



OCTOBER 21, 2013
SPECIAL TOWN MEETING
MOTIONS

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2013 SPECIAL TOWN MEETING MOTIONS

FINANCIAL - FISCAL YEAR 2014

ARTICLE 1:	Fiscal Year 2014 Budget Adjustments	<i>Majority Vote Required</i>
Sponsor:	Town Manager	
Motion:	That the Town transfer from Free Cash the sum of \$222,900 (TWO HUNDRED TWENTY TWO THOUSAND NINE HUNDRED DOLLARS) in order to supplement the following Fiscal Year 2014 Operating Budgets:	
	151 Legal Services: expenses related to Newport Materials litigation	\$200,000
	432 Recycling: expenses related to hazardous materials collection	\$2,900
	543 Veterans Services: expenses related to Veterans benefits	\$20,000
	<i>and further;</i>	
	That the Town transfer from Water Enterprise Retained Earnings the sum of \$13,187 (THIRTEEN THOUSAND ONE HUNDRED EIGHTY SEVEN DOLLARS) in order to supplement the following Fiscal Year 2014 Operating Budget:	
	600 Water Department Enterprise Debt Service	\$13,187
<i>Selectmen recommend (4-0) and Finance Committee recommends (5-0)</i>		

ARTICLE 2:	Unpaid Bills Prior Fiscal Years	9/10 Vote Required
Sponsor:	Town Manager	
Motion:	That the Town appropriate from Free Cash the sum of \$264.03 (TWO HUNDRED SIXTY FOUR DOLLARS AND THREE CENTS) to pay for unpaid bills of prior fiscal years from WB Mason for office supplies for the Permitting department in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 64.	
Selectmen recommend (4-0) and Finance Committee recommends (5-0)		

ARTICLE 3:	Perchlorate Stabilization Fund Transfer	<i>2/3 Vote Required</i>
Sponsor:	Board of Selectmen	
Motion:	That the Town transfer the remaining sum of \$85,312.06 (EIGHTY FIVE THOUSAND THREE HUNDRED TWELVE DOLLARS AND SIX CENTS) from the perchlorate stabilization fund to the town manager perchlorate remediation account for the purpose of providing funds to address associated issues regarding perchlorate contamination.	
<i>Selectmen recommend (4-0) and Finance Committee recommends (5-0)</i>		

ARTICLE 4:	Appropriate Funds from Early Retiree Reinsurance Program Federal Grant	<i>Majority Vote Required</i>
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Sponsor: Town Manager

Motion: That the Town appropriate from the Early Retiree Reinsurance Program Federal grant the sum of \$161,739.35 (ONE HUNDRED SIXTY ONE THOUSAND SEVEN HUNDRED THIRTY NINE DOLLARS AND THIRTY FIVE CENTS) for health care related expenses.

Selectmen recommend (4-0) and Finance Committee recommends (5-0)

ARTICLE 5:	Rescind Authorized and Unissued Debt	<i>Majority Vote Required</i>
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Sponsor: Town Manager

Motion: That the Town rescind the following amounts that have been authorized to be borrowed for the stated purposes, pursuant to the votes and articles as listed below, which amounts have not been issued and are no longer needed:

Unissued Amount	Date of Warrant Approval	Article #	Purpose
\$305	5/6/2000	13	Elementary School Construction
\$567,764	5/6/2000	17	Water Filtration Plants
\$6,615,321	11/13/2000	20	Middle School Construction
\$100,000	11/13/2001	5	Abbot Septic/Town Center Sewer Extension
\$50,000	5/13/2002	13	Brookside Mill Dam Repair
\$2,650,000	2/7/2005	1	Purchase Land – East Boston Camps
\$265,000	10/20/2008	6	Country Road Well

Selectmen recommend (4-0) and Finance Committee recommends (5-0)

ARTICLE 6:	Capital Appropriations for Fiscal Year 2014	<i>Majority Vote Required</i>
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Sponsor: Capital Planning Committee

Motion: That the Town appropriate from Free Cash the sum of \$75,000 (SEVENTY-FIVE THOUSAND DOLLARS) to provide for the following capital requests:

DEPARTMENT	AMOUNT	PURPOSE
Engineering Department	\$75,000	Student Drop-off Safety Improvements and Drainage Improvements at the Abbot/Millennium Schools and related costs

Selectmen recommend (4-0) and Finance Committee recommends (7-0)

ARTICLE 7:	Authorize Appropriation for Design Phase and Bidding Phase Services Related to Window Replacement at the Day and Robinson Schools as Required by the Massachusetts School Building Authority Accelerated Repair Program	<i>Majority Vote Required</i>
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Sponsor: School Committee

Motion: That the Town appropriate from Free Cash \$350,000 (THREE HUNDRED FIFTY THOUSAND DOLLARS) to be expended under the direction of the School Committee for additional funds for completing the design and bidding of two window replacement projects at the Colonel John Robinson School located at 60 Concord Road and the Norman E. Day School located at 75 Prescott Street, and any related costs, which proposed repair projects would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town has applied for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town.

Selectmen recommend (4-0) and Finance Committee recommends (7-0)

ARTICLE 8:	Authorize the Transfer of a Parcel Located on Boston Road and the Appropriation of Funds for Feasibility Study and Schematic Design Phase Services Related to Constructing a New Center Fire Station on Boston Road	<i>2/3 Majority Vote Required</i>
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Sponsor: Board of Selectmen

Motion: That the Town authorize the transfer land from the Board of Selectmen currently held for the purposes of recreation and conveyance to the Board of Selectmen to be held for general municipal purposes, said land identified as Parcel A in a deed recorded with the Middlesex North Registry of Deeds in Book 7366, Page 211, and shown on a plan entitled "Definitive Subdivision Plan of Land Boston Road Westford, MA," dated August 27, 1993, recorded with the Middlesex North Registry of Deeds in Plan Book 187, Plan 86, on file with the Town Clerk; and further to appropriate from free cash the sum of \$350,000 (THREE HUNDRED FIFTY THOUSAND DOLLARS) for the purpose of paying the costs of architectural and engineering design services, including, without limitation, the hiring of an Owner's Project Manager related to constructing a new Center Fire Station on the aforementioned site on Boston Road and examining and recommending the reuse of the existing Center Fire Station.

Selectmen recommend (4-0) and Finance Committee recommends (5-1-1)

ARTICLE 9:	Reduce Amount Raised by Taxes in Fiscal Year 2014	<i>Majority Vote Required</i>
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Sponsor: Board of Selectmen

Motion: That the Town transfer the following available funds to reduce the net amount to be raised by taxes for Fiscal Year 2014

\$ 32,793.59 From Fund Balance Designated for Debt Exclusion
Reduction
\$1,995,414.45 From Free Cash

Selectmen recommend (5-0) and Finance Committee recommends (8-0)

COMMUNITY PRESERVATION FUNDS

ARTICLE 10:	Community Preservation Committee Recommendations	<i>Majority Vote Required</i>
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Sponsor: Community Preservation Committee

Motion: That the Town, pursuant to Massachusetts General Laws, Chapter 44B, or any other enabling authority, in accordance with the recommendations of the Westford Community Preservation Committee, appropriate from Community Preservation Funds the sum of \$151,134 (ONE HUNDRED FIFTY ONE THOUSAND ONE HUNDRED THIRTY FOUR DOLLARS) as follows:

\$136,000	From Undesignated Fund Balance For the structural repairs and/or other rehabilitation at the Westford Historical Museum located at 2 Boston Road and any other related costs	Westford Historical Commission
\$15,134	From Undesignated Fund Balance For the purpose of providing support to the Historical Commission in applying for the Massachusetts Preservation Proposal Fund (MPPF) grant for additional funding at the Westford Historical Museum located at 2 Boston Road and fulfilling all related requirements associated with the process and any other related costs.	Westford Historical Commission

Selectmen recommend (4-0) and Finance Committee recommends (5-2)

ADMINISTRATIVE

ARTICLE 11: Authorize Solid Waste Disposal Contract Amendment		<i>Majority Vote Required</i>
Sponsor:	Town Manager	
Motion:	That the Town authorize the Board of Selectmen to enter an Amendment to the Service Agreement between the Town of Westford and Covanta Haverhill Associates with an effective date of July 1, 2010, for the disposal of solid waste, said amendment extends the term of the Service Agreement from five years to eight years so that the Service Agreement will expire on June 30, 2018, on such terms and conditions as the Board of Selectmen determine to be in the best interests of the Town.	
<i>Selectmen recommend (5-0) and Finance Committee recommends (5-0)</i>		

GENERAL BYLAW AMENDMENTS

ARTICLE 12: Amend Chapter 114: Junk Dealers		<i>Majority Vote Required</i>
Sponsor:	Board of Selectmen	
Motion:	That the Town amend General Bylaw Chapter 114: Junk Dealers; to regulate the use of drop boxes (also known as unattended donation receptacles); as set forth below, with proposed changes shown in underline for additions and strikethrough for deletions.	

Chapter 114: Junk Dealers

[Adopted 2-11-24 ATM. Replaced 2-17-47 ATM Art. 35. Amendments noted where applicable.]

§ 114.1. License required. [Amended 3-9-57 ATM Art. 32]

The Selectmen may license suitable persons to engage regularly in the business of being a dealer in and keeper of shops or unattended donation receptacles for the purchase, sale, collection, or barter of junk, old metals, or secondhand articles. Unattended donation receptacle means any unattended container, receptacle, or similar device that is located on any lot within the Town and that is used for soliciting and collecting donations of clothing or other salvageable personal property.

A. The Selectmen may also license suitable persons to engage regularly in the

business of acting as junk collectors, to collect by purchase, or otherwise, junk, old metals and secondhand articles from place to place in said Town; and they may provide that such collectors shall display badges upon their persons, upon their vehicles, or both when engaged in collecting, transporting or dealing in junk, old metals or secondhand articles and may prescribe the design thereof. The annual fee for such license shall be \$50.

B. No Person shall cause to be erected, placed, maintained or operated in the Town of Westford any unattended donation receptacle, without first having obtained a permit from the Building Commissioner, or his or her designee, in accordance with this Bylaw and such further regulations as may be adopted or amended by the Board of Selectmen from time to time. Permits shall be issued to duly licensed Junk Collectors and Junk Dealers. The fee for such license shall be \$50.

§ 114.2. Record of purchases required. [Amended 5-11-2002 ATM Art. 30]

Every such shopkeeper shall keep a book, in which shall be written at the time of every purchase of any such article a description thereof and the name, age and residence of the person from whom and the day and hour, when such purchase was made and such book shall at any time be open to the inspection of the Selectmen and by their designee to make such an inspection.

§ 114.3. Examination of premises. [Amended 5-11-2002 ATM Art. 30]

Every such shopkeeper shall allow his/her shop and all articles of merchandise therein to be at any time examined by the Selectmen and by their designee, and every collector shall allow any place, vehicles or receptacle used for the collection or keeping of such articles of merchandise to be at any time examined by the Selectmen and by their designee.

§ 114.4. Storage; fence requirements. [Added 3-9-57 ATM Art. 32; amended Amended 5-11-2002 ATM Art. 30]

- A. Every such shopkeeper shall store all such merchandise in a building or behind a solid fence of sufficient height to screen such merchandise from any public way. The fence shall be set back not less than 35 feet from a public way.
- B. Unattended donation receptacles shall be permitted only in the commercial, business and industrial districts, and upon any property used in conjunction with an educational, religious or child care facility with a zoning exemption in accordance with Massachusetts General Law chapter

40A, section 3 and the Town's Zoning Bylaws and shall meet the minimum set-back requirements of the applicable zoning district. No unattended donation receptacle shall be placed within the layout of any sidewalk or public or private way. No unattended donation receptacle shall be erected, placed, maintained or operated on the property of another unless the owner of the property has provided their express written consent.

§ 114.5. Violations and penalties. [Amended 5-11-2002 ATM Art. 30]
~~Any person or entity who violates this chapter shall be liable to the following fines for each day the violation continues: For the first offense and each subsequent offense: —\$50~~

A. The Building Commissioner may suspend or revoke any license or permit issued pursuant to this Bylaw for any violation of this Bylaw, or any other applicable federal, state or local law or regulation. Any person aggrieved by a decision of the Building Commissioner may appeal to the Board of Selectmen. Any such appeal shall be in writing and must be received by the Board within seven (7) days of the date of the order. Upon receipt of a timely appeal, the Board shall hold a public hearing and shall make such order, as it deems necessary to promote the purposes of this Bylaw.

B. This Bylaw may be enforced by the Building Commissioner and/or any Town of Westford Police Officer. Any person found violating any provision of this Bylaw may be penalized by a noncriminal disposition process as provided in the Town's non-criminal disposition bylaw, Chapter 1: Penalties for Violating Bylaws and Regulations. The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.

Selectmen recommend (5-0)

ARTICLE 13: Amend Chapter 80: Demolition Delay Bylaw

*Majority Vote
Required*

Sponsor: Historical Commission

Motion: That the Town amend General Bylaw Chapter 80: Demolition Delay; as set forth below, with proposed changes shown in underline for additions and strikethrough for deletions.

Chapter 80: Demolition Delay

§ 80.1. Intent and purpose.

This bylaw is adopted for the purpose of preserving and protecting significant buildings and structures within the Town which constitute or reflect distinctive features of the architectural, cultural, political, economic, or social history of the Town; to encourage owners of such buildings and structures to seek out persons who might be willing to purchase, preserve, rehabilitate, or restore such buildings and structures rather than demolish them and by furthering these purposes to promote the public welfare, to preserve the resources of the Town. To achieve these purposes the Westford Historical Commission (herein after the "Commission") is empowered to advise the Building Commissioner with respect to the issuance of permits for demolition of significant buildings and structures.

§ 80.2. Definitions. [Amended 5-5-07 ATM Art. 17]

Applicant – Any person or entity that files an application for a demolition permit. If the applicant is not the owner of record of the premises upon which the building or structure is situated, then the owner must indicate on or with the application his/her assent to the filing of the application.

Application – An application for the demolition of a building or structure.

Building – Any combination of materials capable of being used as shelter for persons, animals or property.

Commission – The Westford Historical Commission.

Commissioner – The Westford Building Commissioner.

Demolition - the act of pulling down, destroying, removing or razing a building or structure, or a significant portion thereof that results in a change in the footprint, or removing 25 % of the structure as measured in gross square feet.

A. The term "demolition" shall not include the ordinary maintenance or repair or an addition to any building or structure. "Demolition" as used herein shall be deemed to include Demolition by Neglect.

B. The moving of a building or structure off its foundation to another foundation or the systematic removal, effacement or destruction of the exterior architectural elements which define or contribute to the historic character of a building or structure listed on or within an area listed on the National or State Registers of Historic Places.

Demolition by Neglect - a process of ongoing damage to the fabric, viability and/or functionability of a building or structure leading towards and/or causing its eventual demolition due to decay and/or structural failure and/or severe degradation over a period of time as a result of a general lack of

maintenance, and/or failure to secure the building or structure from pests or vandals, and/or failure to take reasonable measures to prevent the ingress of water, snow, ice, and wind through the roof, walls, or apertures.

Demolition permit – The permit issued by the Commissioner as required by the state building code for demolition or removal of a building or structure herein.

Historically significant building or structure - Any building or structure which is:

- A. importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town, the Commonwealth of Massachusetts or the United States of America; or
- B. ~~is~~ historically or architecturally important by reason of period, age, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures.

Mitigation – actions taken to partially compensate for the demolition of a preferably preserved building or structure, including without limitation: removal of the building or structure to a new location; offering the building or structure for removal to a new location; monetary support for same; incorporation of part or all of the building or structure into a new building or structure; submitting any replacement building or structure to design review by the Commission; and recordation and visual documentation of the existing building or structure.

Preferably Preserved - Any historically significant building or structure, which because of the important contribution made by such building or structure to the town's historical or architectural resources, is in the public interest to preserve, rehabilitate or restore.

Premises - The parcel of land on which an historically significant building or structure is or was located and/or any adjoining parcels of land under common ownership and control.

Removal - to transfer a building or structure from its existing location or foundation.

Structure – Any combination of the materials assembled, constructed, erected or maintained at a fixed location and placed permanently or temporarily in or on the ground.

§ 80.3. Regulated buildings and structures. [Amended 5-5-07 ATM Art. 17].

- A. A building or structure listed on, or is within an area listed on, the National Register of Historic Places or the State Register of Historic Places, or the subject of a pending application for listing on either of said Registers; or
- B. A building or structure located within 200 feet of the boundary line of any federal, state or local historic district; or
- C. A building or structure included in the Inventory of the Historic Assets of the Commonwealth, or designated by the Commission for inclusion in said inventory including those buildings and structures listed for which complete surveys may be pending; or
- D. A building or structure determined by vote of the Commission to be historically or architecturally significant in terms of period, style, and method of building construction based on the following criteria:
 - a1. Properties listed or pending listing on the State Register of Historic Places and the Inventory of Historic Assets of the Commonwealth for the Town of Westford.
 - b2. Properties in whole or in part in existence in or before a rolling 85-year timeframe based upon the calendar year in which the demolition permit application was filed with the Building Commissioner. If a building or structure is of unknown age, it shall be assumed it is over 85 years old for the purposes of this bylaw.
 - c3. Properties that appear on the 1855 Symmes Maps.
 - d4. No demolition permit shall be issued for a regulated building or structure without full compliance with the provisions of this bylaw.

§ 80.4. Procedure. [Amended 5-5-07 ATM Art. 17]

- A. No demolition permit for a regulated building or structure as defined in Section 80.3 shall be issued without following the provisions of this bylaw.

- B. An applicant proposing to demolish a building or structure subject to this bylaw shall file with the Building Commissioner 7 copies of a demolition permit application containing the following information:
1. The address of the building or structure to be demolished.
 2. The owner's name, address and telephone number.
 3. A description of the building or structure.
 4. A statement of the reason(s) for the proposed demolition and data supporting said reason(s), including where applicable, data sufficient to establish any economic justification for demolition.
 5. A brief description of the proposed reuse, reconstruction or replacement, if any.
 6. Photographs of the building or structure and of its immediately neighboring properties.
- A. ~~C.~~ The Commissioner shall forward a copy of each demolition permit application for all regulated buildings or structures identified in section 80.3 of this bylaw to the Commission within 7 days after the filing of such application. No demolition permit shall be issued at that time.
- B. ~~D.~~ Following the receipt of such application, the Commission shall determine within 45 days after the Commission's next regularly scheduled meeting whether the building or structure is historically significant or if less than a complete demolition is proposed, whether the work to be done will materially diminish its historical significance and explore alternatives to demolition. The date of a regularly scheduled Commission meeting shall be defined as the third Wednesday of the month. The applicant for the permit shall be entitled to make a presentation to the Commission if he/she makes a timely request (at least 7 days prior to the scheduled meeting date) in writing to the Commission.
- C. ~~E.~~ If the Commission determines that the building or structure is not historically significant, or where less than a complete demolition is being proposed that the work to be done will not materially diminish its historical significance, then it shall so notify the Commissioner and the applicant in writing and the Commissioner may issue a demolition permit.
- D. ~~F.~~ If the Commission determines that the building or structure is historically significant, and that the proposed work would materially diminish its historical significance, it shall notify the Commissioner and the applicant in writing that a demolition plan review must be made prior to the issuance of a demolition permit. If the Commission fails to notify the Commissioner and the applicant of its determination within 30 days after

its determination in 80.4.B, then the building or structure shall be deemed not historically significant and the Commissioner may issue a demolition permit.

E. G. Within 30 days after the applicant is notified that the Commission has determined that a building or structure is historically significant, the applicant for the permit shall submit to the Commission 7 copies of a demolition plan which shall include the following information:

- a1. A map showing the location of the building or structure to be demolished with reference to lot lines and to neighboring buildings and structures
- b2. Photographs of all ~~street~~ ~~façade~~ elevations
- c3. A description of the building or structure to be demolished
- d4. A statement of the reason for the proposed demolition and data supporting said reason, including, where applicable, data sufficient to establish any economic justification for demolition, and
- e5. A brief description of the proposed reuse of the parcel on which the building or structure to be demolished is located.

F. H. The Commission shall hold a public hearing within 30 days of receipt of the demolition plan referenced in section ~~80.4.D~~ 80.4.F with respect to the application for a demolition permit, and shall give public notice of the time, place, and purposes thereof at least 14 days before said hearing in such manner as it may determine, and by mailing, postage prepaid, a copy of said notice to the applicant, to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, to the Planning Board, to any person filing written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the Commission shall deem entitled to notice. The costs associated with the preparation of abutters list and notifications as well as publication in a local newspaper will be borne by the Demolition Permit Applicant. Within 60 days after its receipt of the demolition plan, the Commission shall file a written report with the Commissioner on the demolition plan which shall include the following:

- a1. A description of age, architectural style, historic association and importance of the building or structure to be demolished
- b2. A determination as to whether or not the building or structure should preferably be preserved.

G. I. The Commission shall determine that a building or structure should preferably be preserved only if it finds that the building or structure is an

historically significant building or structure which, because of the important contribution made by such building or structure to the Town's historical and/or architectural resources, it is in the public interest to preserve, rehabilitate or restore.

- H. L. If, following the demolition plan review, the Commission does not determine that the building or structure should preferably be preserved, or if the Commission fails to file a report with the Commissioner within the time limit set out in section 80.4 above, then the Commissioner may issue a demolition permit.
- I. K. If, following the demolition plan review, the Commission determines that the building or structure should preferably be preserved, then the Commissioner shall not issue a demolition permit for a period of ~~6~~ 12 months from the date of the filing of the Commission's report unless the Commission informs the Commissioner prior to the expiration of such ~~6~~ 12-month period that it is the determination of the Commission there is no likelihood of preserving, restoring or rehabilitating the building or structure or that if the Commission is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure, or the applicant has agreed to accept a demolition permit on specific conditions approved by the Commission. During the ~~6~~ 12-month review period, the Commission shall invite the applicant to participate in an investigation of alternatives to demolition and the Commission shall notify the Massachusetts Historical Commission, the Town Planner or any other interested party in an effort to obtain assistance in obtaining preservation funding or in finding an adaptive use of the building or structure which will result in its preservation.
- L. If a preferably preserved building or structure is being replaced by a new building or structure, no permit for demolition of said building or structure shall be granted until all plans for future use and development of the site have been filed with the Commissioner and have been found to comply with all laws pertaining to the issuance of a building permit. All approvals necessary for the issuance of such building permit including without limitation any necessary zoning variances or special permits must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.
- M. No permit for erection of a new building or structure on the site of an existing historically significant building or structure may be issued prior

to issuance of a permit for demolition of such existing building or structure.

N. A demolition permit issued by the Commissioner on a regulated building or structure is valid for a period of 6 months. If the building or structure found earlier to have been subject to the demolition delay provisions of this bylaw is not demolished within 6 months and an extension is then sought from the Commissioner for the originally issued demolition permit, the applicant must then apply to the Commission for a new determination of historical or architectural significance if it is evident that there has been a change either in the nature of the project or the ownership interest. The Commission may issue an extension, or it may require the applicant to reapply.

O. Alternatives to demolition and mitigation.

1. If the Commission makes a final determination that the building or structure is preferably preserved, the Commission shall invite the owner of record of the building or structure, the Commissioner, and the Town Planner to participate in an investigation of alternatives to demolition including but not limited to incorporation of the building or structure into the future development of the site; adaptive reuse of the building or structure; utilization of financial incentives to rehabilitate the building or site; searching for a new owner willing to purchase and preserve, restore or rehabilitate the building or structure or moving the building or structure.

2. If the commission imposes a demolition delay and/or if alternatives to demolition are developed in the public hearing which are acceptable to the applicant and/or owner, then the commission may enter into an agreement with such applicant and/or owner providing for such alternatives and a time period for implementation of same.

3. A copy of said agreement shall be filed with the Commissioner and any other applicable town department, and thereafter no work shall be done on the building or structure except in accordance with the terms of said agreement unless and until a new demolition permit application is filed and processed hereunder.

P. Notwithstanding the above, the Commissioner may issue a demolition permit for a preferably preserved building or structure after receipt of written advice from the Commission to the effect that either of the following applies:

1. The Commission is satisfied that there is no reasonable likelihood that either the owner or some other reasonable person or group is willing to purchase, preserve, rehabilitate, or restore said building or structure, or:
2. The Commission is satisfied that for at least 12 months the owner has made continuing, bona fide, and reasonable efforts to locate a purchaser to preserve, rehabilitate, and restore the subject building or structure, and that such efforts have been unsuccessful.

Q. Enforcement

The Commissioner shall institute any and all actions and proceedings as may be necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a violation or threatened violation thereof.

§ 80.5. Determination of applicability.

An owner of a regulated building or structure may petition the Commission for a determination of applicability of the bylaw. Within 30 days after its determination in ~~80.4.B~~ 80.4.D, the Commission shall determine whether the building or structure is historically significant. The applicant for the permit shall be entitled to make a presentation to the Commission if he/she makes a timely request in writing to the Commission. The determination by the Commission of whether a regulated building or structure is historically significant shall be made in writing signed by the Commission and shall be binding on the Commission for a period of 5 years from the date thereof.

§ 80.6. Emergency demolition.

If the condition of a building or structure poses a serious and imminent threat to public health or safety due to its deteriorated condition, the owner of such building or structure may request the issuance of an emergency demolition permit from the Commissioner. If possible and as soon as practical after the receipt of such a request, the Commissioner shall arrange to have the property inspected by a board consisting of himself/herself, the Chairman of the Commission, the Chairman of the Board of Health, and the Chief of the Fire Department, or their respective designees. After inspection of the building or structure and, to the extent possible, consultation with this Board, the Commissioner shall determine whether the condition of the building or structure represents a serious and imminent threat to public health or safety and whether there is any reasonable alternative to immediate demolition of the building or structure which would protect the public health or safety. If the Commissioner

finds that the condition of the building or structure poses a serious and imminent threat to public health or safety, and that there is no reasonable alternative to the immediate demolition permit under the provisions of this section 80.6 they shall prepare a written report describing the condition of the building or structure and the basis for his/her decision to issue an emergency demolition permit with the Commission. Nothing in this section 80.6 shall be inconsistent with the procedures for the demolition and/or securing of buildings and structures established by chapter 143, section 6-10 of the Massachusetts General Laws. In the event that a Board of Survey is convened under the provisions of section 8 of said chapter 143 with regard to any building or structure identified in section 80.3 of this bylaw, the Commissioner shall request the Chairman of the Commission or his/her designee to accompany that Board of Survey during its inspection. A copy of the written report prepared as a result of such inspection shall be filed with the Commission. Nothing in this bylaw shall restrict the authority of the Commissioner to require the applicant to take reasonable action to prevent the need for required demolition of an historically significant building or structure, which may include securing the building or structure and making it safe so that it does not present an imminent and substantial danger to the public.

§ 80.7. Administration.

The Commission may adopt such rules and regulations as are necessary to administer the terms of this bylaw. The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this bylaw. Administrative and advertising fees shall be borne by the petitioner/applicant. The Commission may delegate authority to a municipal employee to assist in the collection of administrative and advertising fees from the Applicant.

The Commission may review and revise its regulations and fee schedules from time to time, following an advertised public hearing. Any amendments to these regulations shall take effect upon filing a copy of the amendments with the Westford Town Clerk's Office.

§ 80.8. Non-compliance.

- A. The Commission and the Commissioner are each authorized to institute any and all proceedings in law or equity, as they deem necessary and appropriate to obtain compliance with the requirements of this bylaw, or to prevent a violation thereof.
- B. No building permit shall be issued with respect to any premises upon which a significant building or structure has been voluntarily demolished in violation of this bylaw for a period of ~~22~~ 24 months after the date of the completion of such demolition. ~~As used herein "premises" includes the~~

~~parcel of land upon which the demolished significant building was located~~ unless the building permit is for the faithful restoration referred to herein or unless otherwise agreed to by the Commission.

- C. Upon a determination by the Commission that a building is a preferably preserved significant building or structure, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Commissioner. Should the owner fail to secure the building or structure, the loss of such building or structure through fire or other cause shall be considered voluntary demolition for the purposes of section 80.6.
- D. Anyone who demolished a building or structure identified in section 80.3 of this bylaw without first obtaining and complying fully with the provisions of a demolition permit, shall be subject to a fine of ~~not less than \$100 not more than~~ \$300. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building or structure is completed or unless otherwise agreed to by the Commission.
- E. Notwithstanding the foregoing, before a building permit application may be submitted for new construction that would faithfully replicate the exterior of the demolished preferably preserved building or structure, plans for such replication shall be subject to prior review and approval by the Commission, whose review shall consider use of materials, design, dimensions, massing, arrangement of architectural features, execution of decorative details, and other relevant factors.

§ 80.9. Severability.

If any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court authority, every other section, paragraph and part shall continue in full force and effect.

Selectmen recommend (5-0)

ARTICLE 14:	Amend Chapter 61: Hazardous Material Storage Bylaw	<i>Majority Vote Required</i>
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Sponsor: Board of Health

Motion: That the Town delete and replace the General Bylaw Chapter 61: Hazardous Materials Storage, as set forth below:

Chapter 61: Hazardous Materials Storage

[Adopted 6-28-82 AdjATM Art. 16, as amended. Replaced 5-13-97 Adj. ATM Art. 33. Amendments noted where applicable.]

§ 61.1. Authority. [Amended 11-12-2002 STM Art. 16]

This bylaw is adopted by the Town of Westford under its home rule powers; its police powers to protect the public health, safety, and welfare and its authorization under M.G.L. ch. 40 § 21(1).

§ 61.2. Purpose.

The purpose of this bylaw is to protect, preserve, and maintain the existing and potential groundwater supply, groundwater recharge areas, surface waters, air quality and natural environment within the Town of Westford from contamination, and to protect public health and safety. Nothing in this bylaw shall be construed as inconsistent with, or in interference with, the authority vested upon the Fire Chief under M.G.L. ch. 148, or any state rules and regulations adopted pursuant thereto.

§ 61.3. Definitions. [Amended 11-12-2002 STM Art. 16]

The following definitions shall apply in the interpretation and implementation of this bylaw:

Abandoned means being out of service for a period in excess of 180 days, in the case of a tank or storage facility for which a license is required under the provisions of M.G.L. ch. 148, or for a period of 12 months, in the case of any other tank or storage facility.

Above-ground storage tank (AST) or storage facility shall mean any tank or storage facility, whether inside or outside a building, without backfill over or at the sides of the tank. A fuel oil tank contained within a building or vault, including a cellar, is considered to be an above-ground tank.

Board of Health shall mean the Board of Health of the Town of Westford and/or its Agent.

Container means any portable device in which hazardous materials or wastes or special wastes are stored, transported, treated, disposed of or otherwise handled.

CFR means Code of Federal Regulations.

CMR means the Code of Massachusetts Regulations.

Discharge means the disposal, deposit, injection, dumping, spilling, leaking, escape, incineration, or placing of any hazardous material or any constituent thereof into or on any land, water so that such material may enter the environment or be emitted into the ambient or indoor air, a drywell, catch-basin, landfill, sewage system, or discharged into any waters, including groundwater.

Double-walled tank means a container with two complete shells, which provide both primary and secondary containment. The container shall have

continued 360 degrees interstitial space between the primary and secondary shells. The interstitial space shall be designed so that an approved interstitial space monitor is able to continuously monitor this space. All double-walled tanks shall be UL-listed.

Facility means a commercial or industrial facility, including a home business that is registered in accordance with this regulation.

Fire Chief means the Fire Chief of the Town of Westford and shall include any designee of the Fire Chief.

Hazardous Materials means any substance or mixture of physical, chemical, infectious, flammable, combustible, radioactive, genotoxic, carcinogenic or toxic characteristics posing a significant, actual or potential hazard to water supplies or other hazards to human health, safety and welfare if such substance or mixture were discharged to land, water or in the air. Hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as toxic or hazardous under M.G.L.ch. 21C and 21E and 310 CMR 30.00.

Hazardous Waste means any substance included on the Massachusetts Oil and Hazardous Materials List (MOHML), 310 CMR 40.1600, when disposed of as a waste.

Health Department means the Health Department of the Town of Westford.

Label means any written, printed, or graphic material displayed or affixed to containers of toxic or hazardous materials.

Hazardous Waste Generator means any person or site whose processes and actions create hazardous waste (see 40 CFR 260.10).

Hazardous Material User means any commercial enterprise, government agency, owner or operator that utilizes hazardous materials for any purposes.

MassDEP means the Massachusetts Department of Environmental Protection

MSDS means the most current version of the Material Safety Data Sheet, which defines any written or printed material concerning a hazardous chemical-and which is prepared in accordance with 29 CFR 1910.1200(g).

Owner means any person or legal entity with legal ownership of a site or facility and/or business.

Operator means the lessee or person(s) in control of and having responsibility for the daily operation of a facility for the storage and dispensing of toxic and hazardous materials.

Out of service means not in use, with no regular filling or drawing; or not being maintained, without adherence to the requirements of this bylaw; or uncontrolled, without being attended or secured; or any combination thereof.

Person in Charge (PIC) means the individual present at a facility who is responsible for the operation at the time of the inspection.

Release means any uncontrolled movement of any hazardous material out of a tank or storage facility or its components, or any uncontrolled movement of

water into a tank or storage facility or its components, measured as set forth in 527 CMR 9.02.

Reportable discharge means the quantity of a specific material under the Massachusetts Contingency Plan, 310 CMR 40.0000 that must be reported to MassDEP; the threshold quantity above which a spill or release of oil or a hazardous material must be reported to the MassDEP.

Site means a commercial, private, retail, or school establishment and/or property/parcel.

Storage Facility or Facility means an area where hazardous materials are stored until it can be transported to a treatment facility.

Special Waste means any solid waste that is determined not to be a hazardous waste pursuant to 310 CMR 30.000 and that exists/n such quantity or in such chemical or physical state, or any combination thereof, so that particular management controls are required to prevent an adverse impact from the collection, transport, transfer, storage, processing, treatment or disposal of the solid waste. Without limitation, special waste includes waste that will require special management to ensure protection of public health, safety, or the environment based upon the physical, biological, or chemical properties of the waste. Special wastes include but are not limited to: asbestos waste, infectious wastes, except as specified in 310 CMR 19.061(6) (c)4, sludges including wastewater treatment sludges, and industrial process wastewater treatment sludges. For the purposes of this bylaw, special wastes do not include drinking water treatment sludges. (Ref: 310 CMR 19.006 and 19.061(2) and (3).).

Town means the Town of Westford.

Underground Storage Tank (UST) means any tank or storage facility including fill lines, supply lines, and vent lines and all associated connections and appurtenant structures where 10 percent or more of the tank volume is below the ground surface (527 CMR 9.02) but which shall not include storage in a freestanding container or tank within a building.

§ 61.4. Permits and registration commercial and retail. [Amended 11-12-2002 STM Art. 16]

- A. All commercial or retail establishments that maintain tanks, containers, or storage facilities with an individual capacity to hold more than 50 gallons liquid volume used for storage, use, processing or generation of hazardous materials, hazardous wastes or special wastes shall apply for a permit from with the Health Department and the Fire Department, if applicable. The permit shall be granted for one year, and may be renewed by the Health Department unless there has been a substantial change in the quantity, type or method of storage, generation or use, or the Board of Health's designee concludes for any reason that reissuance of the permit should be reviewed by the Board of Health. This permit shall be in

addition to any license required in accordance with M.G.L. ch. 148, § 13 and/or any permit required in accordance with 527 CMR 14.00 or any other Fire Prevention Regulation. Such a permit application shall contain the following information:

1. Name, address, and telephone numbers (day and night) of the owner or operator.
 2. Capacity and contents of the tank or storage facility, with specific description of the type of hazardous material being stored.
 3. The date of installation of or storage facilities, if available.
 4. The type(s), size(s), age(s), and location(s) of all containers, tanks and/or storage facilities, and description of leak detection methods in place.
 5. **If the tank or storage facility is underground, additional material as required by § 61.6, herein.**
 6. A site plan showing the location(s) of tanks or other storage containers. If the tank is an Underground Storage Tank, the depth of the bottom and top of the tank must also be indicated in cross-sectional view.
- B. Owners or operators of tanks or storage facilities that meet the permit requirements of §61.4.A shall register such tank or storage facility initially within 90 days of the enactment of this bylaw, and annually thereafter within 30 days of January 1, provided, however, that such owners or operators with currently registered tanks or storage facilities under the provisions of this chapter 61 in effect prior to the adoption of this bylaw shall register such tanks or storage facilities first within 30 days of (Date to be determined). Owners or operators of tanks or storage facilities which later meet the registration requirements shall register such tanks or storage facilities initially within 30 days of meeting such requirements, and thereafter annually within 30 days of January 1.
- C. In addition to obtaining a permit, owners or operators of tanks or storage facilities permitted in accordance with §§ 61.4.A and 61.4.B shall maintain on the premises an inventory, reconciled on a monthly basis, of purchase, sale, use, disposal, or discharge of hazardous materials. The purpose of the inventory is to detect any product loss and to provide ongoing record of all hazardous materials within the Town over the registration period. If unaccounted for product loss is discovered in the monthly reconciliation, the owner or operator shall comply with the provisions of § 61.7 herein.

Accurate daily inventory records required pursuant to M.G.L.ch. 148 or

any state regulation shall suffice for the purpose of this section, and may be submitted, under § 61.4.D below, in accordance with this bylaw.

- D. Upon the request of the Health Department, owners or operators subject to this chapter shall produce, within 24 hours, their latest reconciled inventory.
- E. Evidence of the date of purchase and installation shall be included for existing storage systems, along with a plot plan showing the location of all containers, tanks, drains and piping on the property. In complex applications the Health Department and/or the Board of Health, may require a plot plan certified by a Professional Land Surveyor. Any changes in the information contained in the initial application, including any change in the use of the storage system, shall be reported immediately.
- F. A list of daily amounts stored, used or generated and estimate of yearly throughput of all hazardous materials and waste and special waste to be used, stored or generated on the site, and copies of pertinent Material Safety Data Sheets.
- G. Documentation stating that all information previously filed with the Health Department is correct, or indicating a change in the status of the existing permit shall be submitted annually. A new permit shall be obtained within thirty days from the Health Department whenever there is any change in the type or method of generation, use or storage, or significant change in the quantity or composition of hazardous materials or wastes or special wastes previously permitted; the method of storage, generation or use falls to comply with information previously submitted to the Health Department.
- H. The Health Department and/or the Board of Health may require additional information if it is necessary to adequately evaluate the application.

§ 61.5. Exceptions.

Application of fertilizers, herbicides and pesticides used in accordance with applicable local, state and federal regulations shall be exempt from this bylaw. Application of deicing chemicals in conformance with the Massachusetts Snow and Ice Control Program, application of swimming pool chemicals, and application of water treatment chemicals by the Town of Westford Water Department and storage of such chemicals are also exempt from this bylaw. This bylaw also shall not apply to discharge of ordinary sanitary wastewater into a

septic system installed in accordance with applicable state and local regulations or to ordinary uses of household or garden products used in accordance with applicable labeling instructions from state and federal law. Nothing in this bylaw prohibits the Board of Health from limiting or prohibiting the use of any such product by appropriate regulations in the future.

§ 61.6. Exceptions to permit requirement.

Permits shall not be required under this bylaw for the following:

- A. Septic Systems.
- B. Gasoline and diesel fuel stored in tanks mounted on a vehicle and used to fuel vehicles on a construction site.
- C. Hydraulic oil reservoir tanks on heavy equipment.
- D. Use of domestic biodegradable cleaners for residential and business maintenance.
- E. Aboveground fuel oil tanks, including tanks in a basement, installed solely for the purpose of heating the building and/or providing hot water.
- F. Aboveground and underground propane tanks and liquefied petroleum gas (LPG) tanks installed solely for the purpose of heating the building and/or providing hot water or to operate an emergency generator.
- G. Storage by a facility of consumer-sized containers of hazardous materials such as motor oil, cleaning supplies, paint, paint thinner, lawn chemicals, weed killer, and any other such commercially available products intended for retail provided that each individual container holds less than 50 gallons liquid volume.
- H. The Board of Health may impose conditions on any storage permit as necessary to serve the purposes of this bylaw or to protect the public health and environment.

§ 61.7. Permits and registration – residential.

- A. All residences with an existing underground fuel storage tank used to store No. 2 fuel oil shall apply for a permit from the Board of Health following the same requirements set forth in § 61.4.

- B. Aboveground fuel storage tanks at residences, including tanks maintained in a basement/ cellar or outbuilding, are exempt from permit requirements.
- C. New residential underground fuel storage tanks used to store No. 2 fuel oil are prohibited under this regulation except by special permit.
- D. All existing and new aboveground fuel storage tanks must comply with the fuel line requirements of all applicable federal, state and local laws, rules and regulations, including but not limited -to M.G.L. ch. 148 § 38J(d).
- E. Aboveground and underground propane tanks and liquefied petroleum gas.(LPG) tanks installed solely for the purpose of heating the building, cooking and/or providing hot water or to operate an emergency generator are exempt from permit requirements.

§ 61.8. Prohibition. Discharge reporting, defects, and remedial actions.

- A. There shall be no discharge of hazardous materials, hazardous wastes or special wastes within the Town of Westford through land, water, or air transmission without a permit for such action by an authorized agent of a federal, state, or local agency or without a hearing from the Board of Health unless otherwise excepted or exempted under this bylaw.
- B. Owners, Operators and/or Persons in Charge must immediately report any discharge, leaking tanks or abnormal loss of hazardous materials or waste or special waste and shall provide a reasonable estimate of the nature and quantity of the discharged hazardous materials, wastes or special wastes to the Health Department and the Fire Chief within 12 hours of knowledge of the discharge in addition to meeting the notification requirements of all applicable federal, state, or local laws, rules and regulations, including but not limited-to the Massachusetts Contingency Plan in 310 CMR 40.0300.
- C. No area within which hazardous materials, hazardous wastes, or special wastes are used, stored or generated may contain a floor drain that leads to a storm drain or a septic system. Floor drains in such areas shall drain into containment vessels for removal by a MassDEP-approved hazardous waste carrier. All other drains shall be permanently sealed off.
- D. No residues or waste waters resulting from hazardous material or waste or special waste spill cleanup procedures shall be disposed of into drains

or other facilities leading to storm drains, septic systems, and/or Waste Water Stations. All such residues and waste waters shall be contained for removal by a MassDEP- approved hauler.

- E. Any release or discharge of hazardous material, hazardous waste or special waste shall be immediately contained and reported to the MassDEP if the quantity of material discharged exceeds the Reportable Quantities (RQ) listed in the Massachusetts Oil and Hazardous Materials List (MOHML). Owners, Operators, and persons in Charge of Facilities that store hazardous material, hazardous wastes, or special wastes shall familiarize themselves with the Massachusetts Contingency Plan reporting requirements.
- F. Releases of quantities of material less than the RQs that do not have to be reported to MassDEP shall be cleaned up immediately. Clean-up and proper disposal of any discharged or abnormally lost hazardous material, hazardous waste, or special waste shall be the responsibility of the owner or operator, hazardous material generator, or user including cost of the cleanup and disposal. All cleanup must be conducted in a way that will not contribute to risk of fire, explosion, or other environmental hazard.

§ 61.9. Requirements for approval of hazardous material and waste and special waste permits.

Hazardous materials and waste and special waste permits with the exception of residential home heating oil tanks, shall be granted by the Health Department only if the following criteria are met:

- A. The proposed storage, use or generation system shall provide adequate discharge prevention safeguards which are appropriate to the materials and wastes to be stored, used or generated and to the location of the storage, use or generation.
- B. The proposed storage, use or generation system shall comply with all local, state and federal regulations.
- C. The proposed storage, use or generation system shall not cause a threat to the public health and safety or to the environment.
- D. The applicant has established a satisfactory hazardous materials and waste and special waste discharge contingency plan.
- E. All hazardous materials or wastes or special wastes to be stored above ground shall be stored in product tight containers on an impervious,

chemical resistant surface, under cover and sheltered from the weather unless otherwise specified by the Board of Health. The storage area shall be enclosed with a permanent dike of impervious construction providing a volume of at least 100% of the maximum volume of the largest single container or tank plus 10% of the total storage capacity. All outdoor storage areas shall be surrounded by a five-foot fence, at a minimum, and shall be kept locked at all times when unattended.

- F. Hazardous Waste shall be held on the premises for removal by a licensed carrier in accordance with the Massachusetts Hazardous Waste Management Act, M.G.L. ch. 21C.
- G. Owners, Operators, and Persons in Charge shall park delivery trucks or tank trailers that carry hazardous materials only in designated overnight parking areas approved by the Health Department and Fire Department. These parking areas must allow for detection and containment of discharge from the parked vehicles that are acceptable to the Board of Health and Fire Department.

§ 61.10. Above-ground tanks or storage facilities.

- A. Surfaces underlying above-ground tanks or storage facilities containing hazardous materials, or areas in which hazardous materials are used, transferred, or delivered to such tanks or storage facilities, shall be impermeable to the materials being stored, and shall be enclosed by a permanent dike of impermeable construction. The dike system shall be sufficient to contain the capacity of the largest tank or storage facility plus 10% of the aggregate capacity of all other tanks or storage facilities within the enclosure. Double-walled tanks with continual interstitial monitoring may meet the diking requirements of this regulation. Nothing in this section shall be construed to replace the application of the dike requirements to tanks or storage facilities licensed under M.G.L.ch. 148.
- B. Wastes containing hazardous materials shall be held on the premises in product-tight containers for removal by a licensed carrier for disposal in accordance with M.G.L.ch. 21C.
- C. Above-ground tanks or storage facilities shall be prominently labeled to provide notice as to the types of hazardous materials stored within.
- D. This section does not apply to residential or commercial above-ground heating oil tanks used solely to store fuel oil used for heating the building, cooking, and/or providing hot water.

§ 61.11. Inventory and monitoring of above ground storage systems.

All hazardous materials or special wastes stored above ground, with the exception of residential and commercial heating oil tanks, shall be monitored weekly unless more frequent monitoring is specified in the permit. Monitoring shall consist of a thorough visual inspection of the container(s) and tank(s) and inventory of materials as well as the dike area for deterioration, leakage or unaccounted for loss of materials. All owners and operators shall maintain a written record of monitoring. This record must be available for inspection by the Health Department on request.

§ 61.12. Record retention.

Throughout the permit period, owners, users, generators, or operators shall keep copies of all Hazardous Waste Transport Manifests on-site, as required under the Resource Conservation and Recovery Act 42 USC § 6901 et seq. and the Massachusetts Hazardous Waste Management Act MGL ch. 21C, 315 CMR, § 2.04. If a hazardous waste generator is exempt from the manifest requirements sufficient proof of a proper disposal method shall be maintained.

§ 61.13. Underground tanks or storage facilities.

- A. In addition to the information set forth in §§ 61.4 and 61.7, all owners or operators, including residential owners, of underground tanks or storage facilities containing oil or hazardous materials, in any quantity, shall provide to the Health Department and the Fire Department, if applicable, the following additional information:
 - 1. The location of each tank or storage facility on the premises, complete with sketch map.
 - 2. The age and size of each tank or storage facility, evidence of the date of installation, including any permits, if applicable. Such information shall be filed in the same manner, and at the same times, as that information required by § 61.4, above.
- B. All materials used in the construction of any underground tank or storage facility shall be suitable for the purpose, and such tank or storage facility shall be designed or constructed to withstand any normal stress to which it may be subjected. Where applicable, such tank or storage facility shall be constructed in accordance with M.G.L.ch. 148 and 527 CMR 9.00 et seq., as amended.
- C. Owners or operators of underground tanks or storage facilities for which evidence of an installation date is not available shall, at the order of the Health Department, have such underground tanks or storage facilities tested, in accordance with procedures set forth in 527 CMR 9.05(F) which

are incorporated herein .Tanks that fail a tightness test that cannot be reconciled shall be taken out of service and removed in accordance with the requirements of 527 CMR 9.00.

- D. All steel underground storage tanks or storage facilities shall be subject to mandatory tightness testing 15 years after the date of installation, and annually thereafter. Owners or operators may request a variance from the testing requirement if they demonstrate to the Health Department that such tests are not appropriate because of the presence of monitoring devices, double-walled construction, or equivalent safety precautions. The Health Department, after reviewing the information, may determine that the underground tank or storage facility does not represent a threat to ground or surface water quality. Such variance shall be required yearly. Nothing in this subsection shall be construed to replace or supersede the testing requirements of 527 CMR 9.00 or any other state regulation.
- E. All steel underground storage tanks exempted under the provisions of § 61.13D herein must be tested for tightness at 20 years after installation, and every third year thereafter. All tanks constructed of fiberglass or other materials must be tested at 20 years after installation and every third year thereafter.
- F. All residential fuel storage tanks used to store No. 2 fuel oil must be tested for tightness at 20 years after installation and every third year thereafter.
- G. The Board of Health recommends that all steel underground storage tanks or storage facilities with a capacity of less than 550 gallons be removed immediately after the termination of the manufacturer's warranty for the facility, or after 15 years of the date of installation of the facility, whichever occurs last.
- H. Where the Health Department has probable cause to believe that an underground tank or storage facility has caused a leak or a discharge to occur, said Board may order the testing for tightness of such tank or storage facility within 3 workdays.
- I. If the testing required by this section indicates that a leak or discharge has occurred, the owner or operator shall proceed in accordance with § 61.8, herein.
- J. Underground tanks or storage facilities shall have appurtenances prominently labeled to provide notice as to the types of hazardous materials stored within.

- K. All owners or operators of UST systems must provide the name and contact information for the Class A, B, or C Operator responsible for maintaining the tank as required in 310 CMR 80.02 and consistent with the requirements of 527 CMR 9.
- L. **Underground storage tank removal.** Removal procedures for tanks used for storage of hazardous, flammable, or combustible material shall follow the requirements of 527 CMR 9.22 and 9.23 and 502 CMR 3.00. Prior to removal of a tank, the Fire Chief and Health Department shall be notified and the Fire Chief shall designate an inspector to oversee the tank removal unless MassDEP personnel are present. If there is any evidence of a release from an underground storage tank backfilling cannot take place until the owner has contracted a Licensed Site Professional (LSP) and all future work must be conducted under the requirements all applicable federal, state and local laws, rules and regulations, including but not limited to the Massachusetts Contingency Plan, 310 CMR 40.0000.
- M. **Repair of residential tanks.** No residential underground heating oil storage tanks shall be repaired and placed back in service. Any such tank which is in need of repair shall be removed and replaced by an above ground storage system. The Board of Health recommends that all residential underground storage tanks be removed and replaced by an aboveground (basement) tank.

§ 61.14. Underground storage of flammable or combustible products and hazardous materials or wastes or special wastes.

- A. **Underground storage requirements.** Owners or operators storing flammable or combustible materials in underground storage systems shall obtain a permit from the Fire Chief in addition to the permit from the Health Department. Owners and operators storing hazardous materials or wastes or special wastes underground which are not flammable or combustible need only obtain a permit from the Health Department.
- B. **Change of material in storage tank.** Prior to any change in the material stored in an underground tank, such change of material shall be approved by the Health Department and (in the case of flammable or combustible materials) by the Fire Chief. Confirmation by the tank manufacturer that such a change in material would be compatible with the tank type shall also be submitted, in writing, to the Health Department and Fire Chief.

- C. **Underground storage tank construction.** All underground storage tanks shall be designed to minimize the risk of corrosion and leakage, and shall conform to all construction and installation requirements under applicable state and federal law. All new underground storage systems for hazardous materials or waste or special waste shall meet the standards for new underground hazardous waste tanks set forth in 310 CMR 30.693 and 30.694. Tanks for storage of hazardous wastes or flammable or combustible materials shall meet the requirements of 527 CMR 9.00.

§ 61.15. Groundwater and surface water protection.

- A. **Groundwater protection areas.** Underground storage tanks shall not be located in a groundwater protection area except by special permit, which will require demonstration of no other option for storage of fuel or other material. Underground storage tanks in groundwater protection areas must be fiberglass tanks with double-walled construction and interstitial leak monitoring. The Health Department may require installation of monitoring wells near the tank based on site-specific conditions.
- B. **Flood Zones.** Underground storage tanks shall not be located in flood zones except by special permit and must meet the same requirements as in 61.15A herein.

§ 61.16. Cessation of permit.

The holder of a hazardous materials and waste and special waste permit shall notify the Health Department immediately, in writing, whenever the activities authorized under the permit cease on a permanent basis.

§ 61.17. Promulgation of rules and regulations.

The Board of Health may from time to time pass regulations specifying categories of materials which are hazardous materials or wastes under the definition "Hazardous Material" or "Waste" of this bylaw. The Board may adopt or amend rules and regulations consistent with the provisions of this bylaw. A copy of such rules shall be filed with the Town Clerk.

§61.18. Abandonment and other concerns. [Amended 11-12-2002 STM Art. 16]

- A. The holder of any license issued pursuant to M.G.L.ch. 148 for underground storage of any liquid hazardous material shall notify the Health Department and the Fire Chief whenever the provisions of said license cease to be exercised. Upon such notification, the Health

Department and the Fire Chief shall prescribe appropriate action under M.G.L.ch. 148 and applicable state regulations.

B. All other tanks or storage facilities, not regulated by M.G.L. ch. 148, shall be regulated as follows:

1. The owner of tank or storage facility with an intent to abandon such tank or storage facility shall promptly notify the Board of Health and the Fire Chief of the decision to abandon a tank.
2. Abandoned tanks shall be emptied of all hazardous materials under the direction of the Health Department. Tanks shall be excavated and the product and tank shall be disposed of, at the owner's expense, in accordance with 527 CMR 9.00.
3. If the owner of a tank or storage facility that is located under a building and which cannot be removed from the ground without first removing the building, decides, in conjunction with the Fire Chief under the provision of 527 CMR 9.00, to abandon said tank or storage facility, the owner shall promptly notify the Health Department and have all contents removed from the tank or storage facility. At the direction of the Fire Chief, the tank may be filled with a concrete slurry mix as set forth in 527 CMR 9.00, or as prescribed by the authority having jurisdiction.
4. If the Health Department determines that a tank or storage facility or its components shall be removed, any removal shall be completed within 90 days after that authority has notified the owner, in writing, of its decision. Removal shall be at the owner's expense.

§ 61.19. Variances. [Amended 11-12-2002 STM Art. 16]

The Board of Health may vary the application of any provision of this bylaw, unless otherwise precluded by law, when in its opinion; the applicant has demonstrated that an equivalent degree of environmental protection required under this bylaw will still be achieved. The applicant at his/her own expense must notify all abutters by certified mail at least ten days before the hearing at which such variance request shall be considered. The notification shall state the variance sought and the reasons therefor. The Board of Health shall also notify, within 14 days of receipt of a variance request, the Fire Chief, Conservation Commission, and Building Inspector, of any variance requested under this Section, for their response in writing. The Board of Health shall hold a hearing on such variance request within 45 days of its receipt. Any variance granted by the Board of Health shall be in writing, as shall be any denial of a variance request, and shall contain a brief statement of the reasons for the granting or denying the variance.

§61.20. Fees.

- A. The Board of Health may charge reasonable fees and shall publish a fee schedule.
- B. The Board of Health may charge for additional expenses incurred in the enforcement of this chapter 61.
- C. Any person applying for a permit for a tank or storage facility pursuant to this chapter 61 shall pay a fee to the Town's Board of Health. Such fee shall be due on the same date as the initial or annual registration. Failure to pay the fee shall constitute a violation subject to the penalties contained herein.

§ 61.21. Enforcement. [Amended 11-12-2002 STM Art. 16]

- A. All discharges of hazardous material within the Town are prohibited.
- B. Any person having knowledge of any discharge of hazardous materials shall immediately report the discharge to the Health Department and the Fire Chief.
- C. The Board of Health or its designee, the Health Department or its designee, the Fire Chief or his designee may, upon reasonable notice to the occupant of the premises enter any premises for the purpose of investigating, sampling, or inspecting any record, condition, equipment, practice, or property relating to activities subject to this bylaw and for purposes of enforcing this bylaw.
- D. The Board of Health may suspend or revoke any permit or license issued pursuant to this Bylaw for any violation of this Bylaw, or any other applicable federal, state or local law, rule or regulation. Such revocation or suspension may take place after a hearing held by the Board of Health of which the permit or license holder is given seven (7) days written notice. Such notice shall be deemed given upon mailing same, certified mail, return receipt requested, to the address listed on the permit application.
- E. Any person who violates any provision of this bylaw shall be punished by a fine of not more than \$300 as allowed under M.G.L. ch. 40 §21. Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one violation exists, each violation shall constitute a separate offense. Upon the request of the Board of Health or

the Fire Chief, the Board of Selectmen shall take such legal action as is necessary to enforce this bylaw.

F. This bylaw may be enforced by the Health Department or its designee or the Fire Chief or his designee, and Town police officers. Whoever violates any provision of this bylaw may be penalized by a non-criminal disposition process as provided in M.G.L. ch. 40, §21D and the Town's non-criminal disposition by-law. If non-criminal disposition is elected, then any person who violates any provision of this bylaw shall be subject to a fine of \$300 per offense,

G. The Board of Health and/or Fire Chief may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.

§ 61.22. Severability.

Each provision of this bylaw shall be construed as separate, to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

Selectmen do not recommend for Special Town Meeting and request Board of Health to defer until Annual Town Meeting (5-0)

ARTICLE 15:	Adopt Chapter 150: Stretch Energy Code Bylaw as Required by Green Communities	<i>Majority Vote Required</i>
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Sponsor: Board of Selectmen

Motion: That the Town adopt the "Stretch Energy Code" set forth in the State Building Code at 780 CMR 120.AA (i.e., Appendix 120.AA), as may be amended from time to time, a copy of which is on file with the Town Clerk, and to amend the Town's General Bylaws by inserting a new Chapter, entitled "Stretch Energy Code", as set forth below:

Chapter 150: Stretch Energy Code

§150.1. Adoption.

The Town of Westford has adopted the provisions of [780 CMR 120.AA](#) (i.e., Appendix 120.AA of the State Building Code or the "Stretch Energy Code"), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00. Buildings not included within the scope of the Stretch Energy Code shall comply with the applicable provisions of the State Building Code.

§150.2. Purpose.

The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code, otherwise set forth under the State Building Code.

Selectmen recommend (4-0) and Finance Committee recommends (3-0-4)

ARTICLE 16:	Amend General Bylaws to add New Chapter 172: Wildlife Feeding (Bear and Waterfowl)	<i>Majority Vote Required</i>
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Sponsor: Citizen Petition

Motion: That the Town amend the General Bylaws of the Town to add a new Chapter titled Wildlife Feeding (Bear and Waterfowl), as set forth below:

Chapter 172: Wildlife Feeding (Bear and Waterfowl)

§ 172.1. Definitions. As used in this and subsequent sections,

Wildlife shall mean any undomesticated and unrestrained animal or fowl, including but not limited to bears, coyotes, foxes, raccoons, skunks and other animals or fowl causing public safety threats or nuisances.

Feeding shall mean the act of ground feeding, placing, exposing, depositing, distributing, or scattering, directly or indirectly, of any grain, shelled, shucked, or unshucked corn, seeds, wheat, bread or bakery products, salt, meat or parts, fish or parts, honey, molasses, or any other feed or nutritive substances, in any manner or form, so as to constitute for such wildlife a lure, attraction, or enticement to, on, or over any such areas where such feed items have been place, exposed, deposited, distributed, or scattered.

Designated enforcement authority shall mean Westford Animal Control Officer, Police Officers, Natural Resources Officers, agents of the Board of Health, Environmental Police Officers, and other enforcement officers of the Division of Law Enforcement, and by the Deputy Environmental Police Officers.

§ 172.2. Prohibited activity.

No person shall feed any wildlife at any place within the town of Westford. Whenever the Westford Animal Control Officer or any designated enforcement authority becomes aware that wildlife has been found feeding on any substance, as defined above, and the landowner or person committing the act has been notified of the occurrence by any person authorized to enforce this By-Law, and wildlife is thereafter found feeding on any such substance after any act of the commission or omission by the landowner or other person, such feeding shall be

prima facie evidence that the feeding was with the knowledge or consent of the landowner or other person.

§ 172.3. Exceptions.

- A. Nothing in this By-Law shall be construed to limit the feeding of domesticated waterfowl, as defined by the Division of Fisheries and Wildlife, by a farmer as defined in M.G.L. ch. 128 § 1A on property owned or leased by him, or the feeding of waterfowl or any other birds by propagators licensed under M.G.L. ch. 131 § 23 when such waterfowl or other birds are confined in such a manner as may be required pursuant to said Section 23 and any rules and regulations issued under authority thereof; or the feeding by any person or his agents, invitees or licensees or waterfowl lawfully kept as a pet by such person.
- B. Regardless of the above, the Director of the Division of Fisheries and Wildlife or his agent or designee may authorize the emergency feeding of waterfowl and other birds when, in his opinion, such action is necessary to alleviate undue losses and suffering of such birds due to unusual weather conditions and other circumstances. The Director may authorize such action by such means as he deems necessary and expedient, but such means shall include the immediate notification to the Selectmen thereof by first class mail.
- C. Any individual, company or corporation that is duly licensed by the Commonwealth of Massachusetts or entitled under law to possess wildlife of any kind.
- D. Any action that is officially sanctioned by the Commonwealth of Massachusetts that would require feeding, baiting, or luring of wildlife (i.e., capturing and tagging wildlife for scientific projects and study).
- E. Any individual, company, or corporation that is engaged in lawful agricultural pursuits, including but not limited to growing crops, crop-bearing plants or raising livestock.
- F. This section shall not be interpreted so as to prohibit bird feeders. However, if a bird feeder is determined to be the cause of a public safety

threat or nuisance, the bird feeder(s) and seed debris will be required to be removed within 48 hours.

- G. This section shall not be interpreted so as to prohibit the feeding of pets, provided that if food intended for pets is determined to be the source of wildlife feeding, the landowner or person responsible for the premises will be required to take steps to render such pet food inaccessible to wildlife, including the requirement that the pet food be removed. If any wildlife gains access to pet food, the condition allowing access must be corrected or the pet food removed within 48 hours.
- H. This section shall not be interpreted so as to prohibit the storage of refuse, food product, pet food, or other material or nutritive substance on any premises in a manner which does not constitute a lure, attraction or enticement of wildlife on property within the Town of Westford, provided that if such storage is determined to be the source of a wildlife feeding problem, the landowner or person responsible for the premises will be required to take steps to render such storage area inaccessible to wildlife and the area near the storage be kept free from such debris. If any wildlife gains access to a storage area, the condition allowing access must be corrected or the stored material removed within 48 hours.

§ 172.4 Penalties. Any violation of this section may be enforced by the Animal Control Officer or any designated enforcement authority through non-criminal disposition in accordance with the following schedule of fines:

First offense:	warning
Second offense:	\$25 fine
Third offense:	\$50 fine
Each subsequent offense:	\$100 fine

Selectmen recommend (4-1)

ARTICLE 17: Amend Westford Zoning Bylaw Section 5.3 to Replace the Sign Bylaw in its Entirety Including Sign Related Definitions in Section 10.2	<i>2/3 Majority Vote Required</i>
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Sponsor: Planning Board

Motion: That the Town delete the existing Section 5.3 of the Westford Zoning Bylaw in its entirety including the text below and delete and replace the sign related definitions in Section 10.2 of the Zoning Bylaw.

5.3 SIGNS

5.3.1 Purpose.

Signs are a highly visible and necessary means of communicating information. Signs play an important role for businesses to advertise their goods and services. Signs may be one of the most visible and apparent aspects of a Town's character. Signs may create an impression on residents and visitors and they provide an indication of the commercial health of business areas and the Town as a whole. The purposes of this section are:

- To promote the safety and welfare of residents, businesses and visitors;
- To encourage the effective use of signs as a means of communicating information and advertising products and services;
- To promote economic health of the Town and its businesses, organizations and institutions so they can successfully identify themselves;
- To enhance the safety of all traffic participants by preventing sign overload and clutter;
- To implement the direction in the Town's Master Plan and Route 110 Master Plan;
- To foster free and effective expression and advertising through creative design; and
- To maintain and enhance the built environment and the character of the Town.

5.3.2 Applicability.

1. The effective date of this section is one hundred twenty (120) days following passage by Town Meeting, February 19, 2014.
2. Unless expressly exempt pursuant to this bylaw, no sign shall hereafter be erected or maintained except as provided by this Section and provided any required permit has first been issued by the designated permit granting authority. All signs erected hereunder shall be erected in the exact location and manner described in the permit.

5.3.3 Definitions.

See § 10.2 of this Bylaw.

5.3.4 General Sign Regulations

Except where stated otherwise, the following provisions shall apply to signs in all Zoning Districts:

1. Permits, Construction and Maintenance

- a. A sign permit from the Building Department is required for all signs not exempted pursuant to §5.3.5.

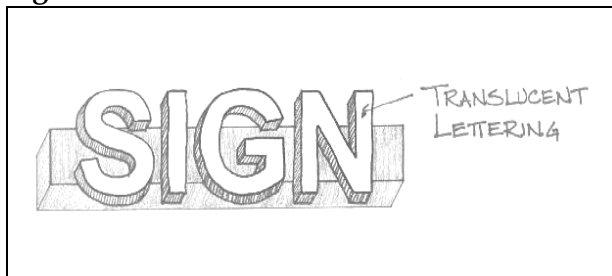
- b. Signs shall be constructed of durable and weatherproof materials. They shall be maintained in safe structural condition and good visual appearance at all times and no sign shall be left in a dangerous or defective state.
 - c. All electrical equipment associated with a sign shall be installed and maintained in accordance with the National Electrical Code.
 - d. The Building Commissioner shall have the authority to inspect any sign and order the owner to paint, repair or remove a sign which constitutes a hazard, or a nuisance due to improper or illegal installation, dilapidation, obsolescence or inadequate maintenance.
 - e. The Building Commissioner may require removal of signs if the use has been abandoned or if the sign is in disrepair or in a dangerous condition.
2. **Buildable lot.** For purposes of regulating signs, any adjoining parcels of land under common ownership and control with the subject property, shall equal one buildable lot.
3. **Measurement of Display Area.** See definition of Display Area in § 10.2 of this bylaw and the accompanying illustrations.
4. **Sign Height.** Height is measured from average grade at the location of the sign.
5. **Illumination**
- a. No sign shall incorporate or be lit by flashing or blinking lights, or by lights changing in intensity except as permitted herein.
 - b. The display area of an illuminated sign shall not exceed an average luminance of fifty (50) foot-candles measured directly on the surface of the sign.
 - c. Light fixtures including bulb or tubes used for sign illumination shall be selected and positioned to achieve the desired brightness of the sign with the minimum possible wattage, while ensuring compliance with all applicable requirements of this Bylaw.
 - d. Time limits on illumination. All illuminated signs must be on a timer or manually turned off 30 minutes after closing of the store or business, or 30 minutes after working hours, or before 11:00 PM, whichever is earlier, unless a special exception has been granted by the Building Commissioner for public safety or convenience. Examples of special exceptions include but are not limited to: late night food service, hospitals or other 24-hour medical facilities, gas stations, public buildings, and 24 hour operations such as a hotel.
 - e. Signs may be lit by an external source of illumination. When a sign is lit by an external source, the illumination of a sign shall not interfere with visibility by pedestrians or operators of motor vehicles in the vicinity.
 - f. The following types of signs with internal illumination shall be permitted, provided that they comply with all applicable standards
 - (1) Neon and LED Window Signs, subject to § 5.3.5(10).

- (2) Halo Individual Letter Signs or symbols, back-lit with a concealed light source, which create a halo effect in which the letters or symbols are silhouetted against a solid background, illuminated by the light source, as shown in Figure 5.3.1
- (3) Internally illuminated signs with Channel letter faces as shown in Figure 5.3.2.
- (4) Other types of internally illuminated signs may be authorized by a Special Permit in accordance with § 5.3.11.

Figure 5.3.1 Halo Lettering



Figure 5.3.2 Internal Illumination with Channel Letters



6. **Signs Painted on an Exterior Wall.** No sign shall be painted or drawn directly upon any building. Any signs to be painted or attached to a building must be securely affixed to a substantial intermediate removable surface, and such surface shall be securely affixed to the wall of the building. This shall not prevent painting or drawing murals or other public art directly on an exterior wall of a building.

5.3.5 Signs Which Do Not Require a Sign Permit

The following signs do not require a sign permit provided such signs comply with §§ 5.3.8 and 5.3.9 unless specifically provided otherwise in this section. These regulations shall not apply to any sign that expresses religious, political, or other opinions or are otherwise considered to be non-commercial "speech" under the First Amendment of the United States Constitution. For the types of signs included in this section that exceed the standards below, review shall be in accordance with §9.4, Site Plan Review.

1. **Agricultural Sign.** In any zoning district, one sign indicating on-premise agricultural uses as referenced in § 3 of G.L. Chapter 40A, offering for sale produce and other farm products. Such sign may be a portable sign.
2. **Construction Sign.** In any zoning district, one sign is allowed for a buildable lot during active construction identifying the proposed building, the owner or intended occupant and

the contractor, architect and engineers. Its display area shall not exceed six (6) square feet in Residence A and B Districts, or thirty-two (32) square feet in any other district. Such signs shall not be illuminated, shall not be erected prior to the issuance of a building permit (or other permit approving site work), and shall be removed upon completion of the construction or seven days following the issuance of the occupancy permit, whichever occurs sooner.

3. **Small Wall Sign.** In non residential zoning districts, in addition to otherwise permitted signs, one small wall sign may be erected on the exterior wall of a building at each entrance or at one other appropriate location on the wall of a building, provided that the display area shall not exceed six (6) square feet; such sign shall not be illuminated.
4. **Fuel Pump Sign.** Fuel pump signs located on service station fuel pumps identifying the name or type of fuel and price thereof.
5. **Government Sign.** Signs, including portable signs, erected and maintained by the Town, the Commonwealth of Massachusetts, or the Federal Government on any land, building or structure in use by such governmental entity do not require a sign permit.
6. **Small Ground Signs.** In non residential zoning districts, unless otherwise specified herein, and in addition to otherwise permitted signs, small ground signs may be erected consistent with the following standards:
 - a. Small ground signs shall not be internally illuminated, nor advertise, identify or promote any business, business service, product, commodity, entertainment or commercial activity. Generally, they are signs that meet the following purposes:
 - i. Necessary for the safety and direction of vehicular and pedestrian traffic;
 - ii. To identify handicapped parking and access;
 - iii. To display a Street name or number or a house, block, unit or building number;
 - iv. To give direction to a public service facility or accommodation; an official inspection station
 - v. If required for occupational safety and health reasons;
 - vi. To prohibit trespassing, hunting, or specified activities on private property.
 - b. The maximum height of a small ground sign is six (6) feet as measured from average grade;
 - c. The display area of a small ground sign shall not exceed six (6) square feet.
 - d. No more than three (3) small ground signs are allowed for each lot.
7. **Display of Restaurant Menu.**

An eating or drinking establishment may display a copy of its menu affixed to an exterior wall or placed inside a window of the restaurant. The maximum Display Area of the menu shall be two (2) square feet.
8. **Sign indicating property for Sale, Rent or Lease.**
 - a. A property where there is a building, structure or facility for Sale, Rent or Lease may have a sign so indicating, provided that the display area does not exceed sixteen (16)

- square feet for property located in a Business, Commercial or Industrial District and six (6) square feet for property located in any other district.
- b. Number of signs: One (1) For Sale, Rent or Lease Sign is permitted in Residential Districts and one (1) such sign is permitted for each building in any other Zoning District.
 - c. Such a sign shall not be illuminated.
 - d. Such sign may be a Portable Sign and it shall be removed not later than seven days following the closing of a sale, lease or rental agreement.
9. **Non-illuminated Window Sign.** In the Business, Commercial and Industrial Districts, such signs are allowed, provided that their aggregate display area covers no more than twenty-five percent (25%) of the window in which they are erected. Window signs promoting a public service or charitable event shall not be calculated in the allowable 25%. Window signs in the above Zoning Districts that occupy more than 25% of the window area may be authorized by a Special Permit in accordance with 5.3.11.
10. **Neon and LED Window Sign.** In the Business, Commercial and Industrial Districts, such signs are allowed, provided that the display area does not exceed ten (10) square feet or cover more than twenty-five percent (25%) of the window in which they are erected, whichever is less.
11. **Replacement of sign with new sign (Swap) and Substitution of Non-commercial Sign Copy.** In any zoning district, a wall sign or portion of a ground sign may be replaced with a new sign providing that it is exactly the same dimensions and the replacement is the same type of sign except where governed by §5.3.10. For example, an unlit sign shall be replaced by an unlit sign with no other changes to the size or type of sign. Notwithstanding anything herein to the contrary, non-commercial copy may be substituted for commercial copy on any lawful sign.
12. **Temporary Sign.**
- a. Temporary Portable Sign without wheels in Commercial and Industrial Districts Once per quarter of a calendar year, one temporary sign no larger than six (6) square feet may be erected per buildable lot for up to 14 days. Such quarter is defined as the periods from January 1 to March 31, from April 1 to June 30, from July 1 to September 30, and from October 1 to December 31. The sign shall be placed on private property set back at least 5 feet from the property line in a location that does not obstruct the sight lines of motor vehicle operators, bicycles and pedestrians. See §5.3.9.5 for rules related to Portable Signs allowed longer than 14 days.
 - b. Special Event Sign in Residential and Business Districts.
 - i. One portable sign, without wheels, which is no larger than six (6) square feet may be erected for up to 14 days to announce the date and sponsor of a bazaar, fair, circus, festival or similar special event. Only one such sign is allowed per buildable lot, and the sign shall be placed on private property at least five (5) feet back from the property line in a location that does not obstruct the sight lines of motor vehicle operators, bicycles and pedestrians.

- ii. Such sign that will be in place more than 14 days related to a recurring special event must be registered with the Building Commissioner in the Portable Sign Registry as described in §5.3.9.5.
- c. Banners.
 - i. One banner no larger than 48 square feet may be hung on a building for up to 14 days to announce a bazaar, fair, circus, festival, business or shop opening. The banner shall be on the property where the event occurs, and only one banner is allowed at a time on a buildable lot. Banners shall not obstruct or impede pedestrians or passage on a sidewalk or walkway.
 - ii. Banners hung across a Town Way require permission from the Board of Selectmen.

5.3.6 Signs Prohibited in All Districts

These regulations shall not apply to any sign that expresses religious, political, or other opinions or are otherwise considered to be non-commercial “speech” under the First Amendment of the United States Constitution. The following signs are prohibited in all Districts.

1. **Signs on Certain Structures and Vegetation in the Right-of-Way, including:**
 - a. Signs erected on utility poles, traffic signs, wireless telecommunication facilities, fences, trees, shrubs or other natural features, except for signs erected by the governmental entity or utility company which owns such structures.
 - b. Signs erected within or above a street right-of-way or affixed to public property, unless prior written approval has been issued by the Board of Selectmen or its designee.
2. **Portable Sign with wheels.**
 - a. Signs designed to be transported by means of wheels, and signs attached to or painted on vehicles parked and visible from a street or a right of way customarily used by the general public, unless said vehicle is registered and used, as a vehicle, in the normal day-to-day operations of the business, in accordance with the Municipal Bylaws.
 - b. Portable Signs with wheels which are kept in the same location for more for than 72 hours in front of a business and are not moved in that time period.
3. **Signs which project above a building or structure.** Signs shall not project more than twelve inches (12”) above the highest line of the building’s roof peak or roof line.
4. **Changing Image, Moving or Pennant Sign.** Any sign consisting of or containing swinging parts, flashing, revolving, changing images, scrolling images or parts, or which create the illusion of movement; pennants; ribbons; streamers; spinners; or balloons; strings of lights not associated with a holiday or seasonal celebration, flags other than those located on a government property which do not identify a nation, state or town. Signs known as “feather” signs are prohibited.
5. **Signs that Resemble Official Traffic Controls.**
 - a. Any sign or advertising device which due to its shape or combination and arrangement of colors and/or words resemble traffic signs and traffic control devices.

- b. Any sign which in any way creates a hazard to traffic obscures or confuses traffic controls or blocks safe sight distance. Any sign which in any way obstructs free entrance or egress from a door, window or fire escape.
- 6. **Sexually Explicit Sign.** Any sign that depicts describes or relates to nudity or sexual conduct as defined in G.L Ch. 272, §31, and that is visible from the exterior of a building.
- 7. **Direct LED Sign.** Any sign with Light Emitting Diodes (LEDs) that are used for direct illumination, except "Open" signs mounted behind windows. LEDs may be used as an indirect light source for internally and externally illuminated signs as long as they do not create glare visible by motor vehicle operators, bicyclists or pedestrians.

5.3.7. Administration

Signs which have been approved under a Site Plan and/or Special Permit Review shall be entitled to a Sign Permit from the Building Commissioner, provided that the sign complies with said approval.

- 1. **Permit Application.** All applications for signs requiring a sign permit shall be made to the Building Commissioner in such form as s/he may require. The Building Commissioner shall have the authority to reject any sign permit application which is not complete when submitted.
- 2. **Permit Granting Authority.** The Building Commissioner is the Permit Granting Authority for signs except for those permits for which the Planning Board is the Special Permit Granting Authority hereunder.
- 3. **Permit Processing Deadlines.** The Building Commissioner shall approve or disapprove any application for a sign permit within thirty (30) days of receipt of the application unless such signs require a Site Plan Review or Special Permit. If a Sign Permit requires a Site Plan Review or Special Permit, the permit processing deadlines and requirements are as provided in G.L.c.40A §9.
- 4. **Fees.** The Building Commissioner shall establish and from time to time review a sign permit fee which shall be published as part of a sign permit application.
- 5. **Portable Sign Registry.** The Building Commissioner shall establish and maintain a registry of those portable signs authorized to be displayed for longer than 14 days. The Portable Sign Registry shall provide for an annual registration of applicable signs and a mechanism by which the Building Commissioner can track which portable signs are allowed for greater than 14 days in accordance with §5.3.9.5.

5.3.8. Sign Design and Dimensions for Residential Districts

The signs described in this section are allowed subject to the issuance of sign permit by the Building Commissioner.

- 1. Residence A and Residence B Districts the following signs are permitted at any residential property:
 - a. **Professional and Home Occupation Sign.** One (1) non-illuminated sign is permitted indicating home occupation or professional use conducted within a residence or residential accessory building per residential lot with a maximum display area of two (2)

square feet and a maximum height of six (6) feet. The sign shall be no closer to the front property line than 10 feet.

- b. **Bulletin Board Sign for certain principal uses.** One (1) non-illuminated bulletin board sign is allowed for each side of a lot fronting on a street in conjunction with uses that are exempt from Zoning regulations in accordance with G.L. c.40A, §3, churches, other places of worship, school buildings, public libraries and other public uses. The maximum display area shall be twelve (12) square feet and maximum height of six (6) feet.
- c. **Residential development identification sign.** One (1) on-site ground or wall sign is allowed to identify a residential development provided that the display area of such sign shall not exceed twelve (12) square feet.
- d. Certain signs are allowed in Residential Districts without a Sign Permit as described in §5.3.5.

5.3.9 Sign Designs and Dimensions for Non Residential Districts (Business, Commercial and Industrial districts)

- 1. **Wall Signs.** Each building permitted in Business, Limited Business, Commercial Highway, Industrial Highway, Industrial A, Industrial B, Industrial C and Industrial D may erect wall signs subject to the following and summarized in Table 5.3.1:
 - a. The maximum display area of wall signs for each building shall not exceed 1.0 square feet for each lineal foot of the building's front wall; however the maximum wall signage for each building cannot exceed 240 square feet.
 - b. Wall signs for tenant spaces are described below.
 - i. The building's front wall is measured by the portion of the lineal frontage of the building which is occupied by the tenant seeking the sign permit.
 - ii. For tenants not having building frontage, a section of the building's lineal frontage may be designated in order to calculate the sign's display area. Such designated frontage shall not be used to calculate more than one wall sign.
 - c. The maximum height of wall sign display area is six (6) feet.
 - d. Except for awning signs, a wall sign shall not obscure or cover architectural features such as but not limited to arches, sills, eaves moldings, cornices, transoms, lintels and windows.
 - e. Projecting signs and awning signs are counted towards the total wall sign display area.
 - f. A wall sign may be erected on a building, or on an arcade structure attached to the ground floor of a building, or on a permanent structure associated with a motor vehicle service station or a drive-up window.

Table 5.3. 1 Summary of Wall Sign Standards				
	Business and Limited Business	Commercial Highway	Industrial Highway	IA, IB, IC, ID
Maximum Display Area Size Limit per tenant and per building	1 square foot per 1 lineal foot of building frontage up to 75 square feet whichever is smaller	1 square foot per 1 lineal foot of building frontage up to 240 square feet whichever is smaller	1 square foot per 1 lineal foot of building frontage up to 240 square feet whichever is smaller	1 square foot per 1 lineal foot of building frontage up to 120 square feet whichever is smaller
Maximum Height of Display Area	6 feet	6 feet	6 feet	6 feet

2. **Ground Sign.** Each buildable lot in Business, Limited Business, Commercial Highway, Industrial Highway, Industrial A, Industrial B, Industrial C and Industrial D may erect ground signs subject to the following:

- a. Applicants are required to include address numbers or other address information on Ground signs.
- b. Number and Size of Ground Signs

Table 5.3.2 gives the allowed number and dimensional standards for ground signs by district, followed by detailed design requirements for such signs.

Table 5.3.2 Types of Ground Signs (See also §5.3.9.2.c. for Ground Signs for Shopping Centers and Office Parks)				
	Business and Limited Business	Commercial Highway	Industrial Highway	IA, IB, IC, ID
Pole Signs				
Maximum Display Area Size Limit (per face)	0.75 square feet for every lineal foot of building frontage up to 100 square feet whichever is smaller	0.75 square feet for every lineal foot of building frontage up to 100 square feet whichever is smaller	0.75 square feet for every lineal foot of building frontage up to 100 square feet whichever is smaller	0.75 square feet for every lineal foot of building frontage up to 100 square feet whichever is smaller
Maximum Number	1 per buildable lot	1 per buildable lot	1 per buildable lot	1 per buildable lot
Maximum Height	10 feet	15 feet	10 feet	10 feet
Minimum Height from ground level of Display Area	3 feet	3 feet	3 feet	3 feet
Setback from Front lot line	20 feet	20 feet	20 feet	20 feet
Monument Signs				
Maximum Display Area Size Limit (per face)	0.75 square feet for every lineal foot of building frontage up to 100 square feet whichever is smaller	0.75 square feet for every lineal foot of building frontage up to 100 square feet whichever is smaller	0.75 square feet for every lineal foot of building frontage up to 100 square feet whichever is smaller	0.75 square feet for every lineal foot of building frontage up to 100 square feet whichever is smaller
Maximum Number	1 per buildable lot if the front yard setback is greater than 20 feet	1 per buildable lot	1 per buildable lot	1 per buildable lot
Maximum Height	6 feet	15 feet	10 feet	6 feet
Setback from Front lot line	20 feet	20 feet	20 feet	20 feet

c. Additional Ground Sign Regulations

The following additional provisions may apply to certain Ground Signs in the Commercial Highway and Industrial Highway Districts:

(1) Where a Ground Sign identifies a principal use or uses, such sign shall be permitted in addition to a wall sign permitted on the same lot. The display area and height of the ground sign shall be in accordance with Table 5.3.2.

(2) "Entry Ground Signs" that are part of a Shopping Center or Office Park:

i. One (1) ground sign shall be permitted at each major public access to the property that makes up the Shopping Center or Office Park. The total display area of each entry ground signs shall not exceed one hundred (100) square feet if the site's total building area is less than or equal to 100,000 square feet. If the site's total building area exceeds 100,000 square feet, the total display area of each entry ground signs shall not exceed two hundred (200) square feet.

ii. If an applicant chooses to apply for "entry ground signs," then no other ground signs are allowed other than those that do not require a sign permit as described in §5.3.5.

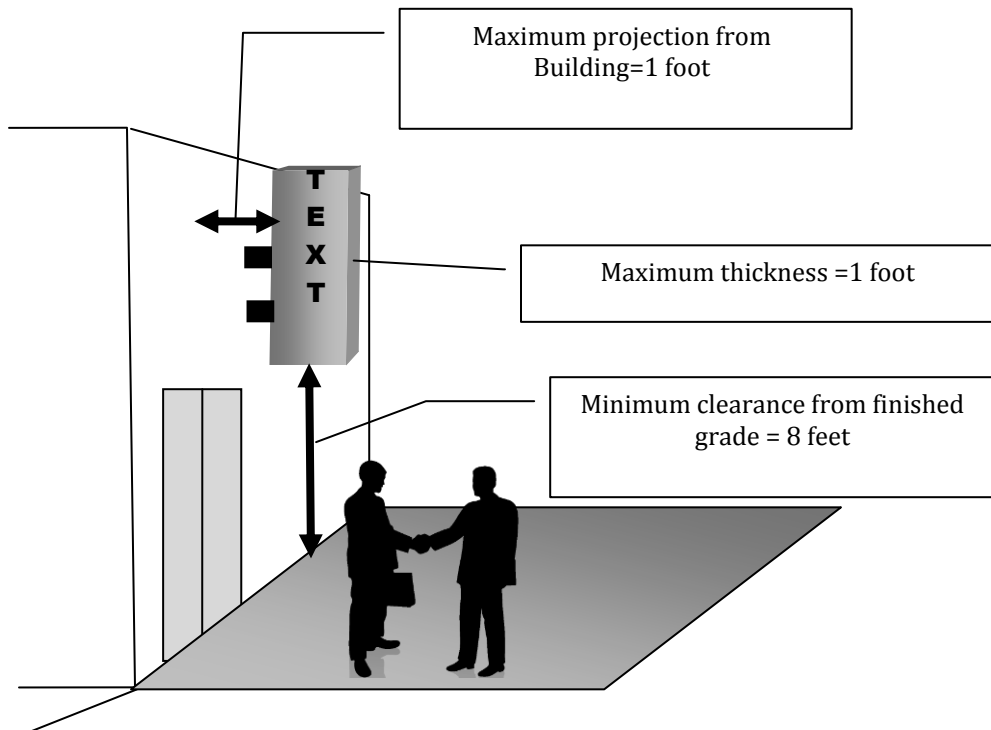
3. **Projecting Sign.** Each building permitted in Business, Limited Business, Commercial Highway, Industrial Highway, Industrial A, Industrial B, Industrial C and Industrial D may erect projecting signs subject to the following:

a. Display area of the projecting sign shall be included in the calculation of the maximum allowed wall sign display area for the principal use.

b. Projecting Signs may be erected on a building provided that the display area complies with Table 5.3.3. If a Zoning District is not listed in Table 5.3.3, projecting signs are not allowed in that district.

c. The thickness between the projecting sign faces shall not exceed one (1) foot. The closest point of a projecting sign to a building wall shall not exceed one (1) foot. A projecting sign shall maintain a minimum clearance of eight (8) feet above a walkway or sidewalk. See Figure 5.3.6.

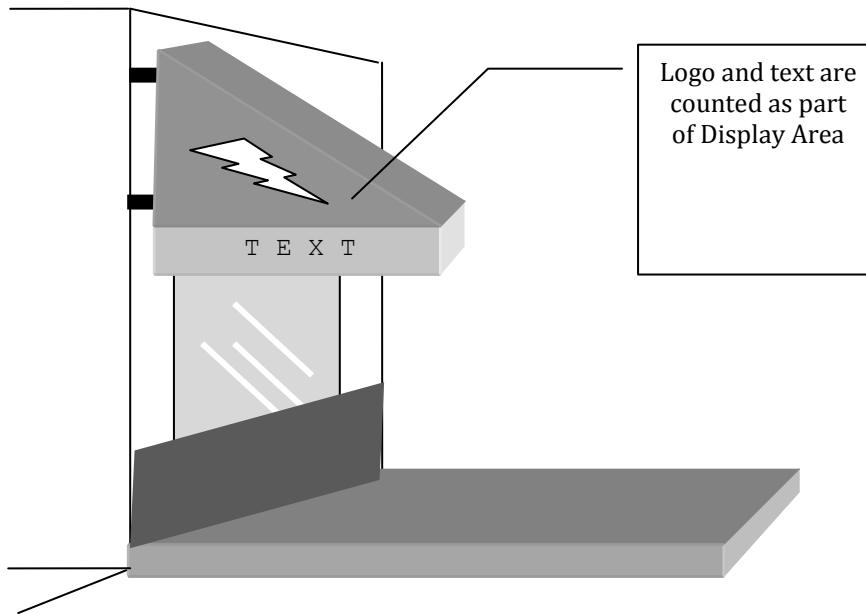
Table 5.3.3 Projecting Signs				
	Business, Limited Business	Commercial Highway	Industrial Highway	IA, IB, IC and ID
Maximum Display Area	12 square feet per building	24 square feet per building	24 square feet per building	24 square feet per building
Maximum Number	One per building	Two per building	One per building	One per building
Minimum Height	8' from ground	8' from ground	8' from ground	8' from ground

Figure 5.3.6 Projecting Sign

4. **Awning Sign.** Each principal use permitted in Business, Limited Business, Commercial Highway, Industrial Highway, Industrial A, Industrial B, Industrial C and Industrial D may erect awning signs subject to the following:
 - a. Display area of the awning sign shall count towards the wall sign display area for the principal use and for the building. Logos and text on an awning shall be measured in accordance with § 5.3.4.2. Stripes or color patterns that are not commercial content do not count as display area.

- b. An awning sign may consist of letters or symbols affixed to an awning in a parallel, perpendicular and/or convex position to the wall onto which the awning is mounted. Letters and symbols on an awning sign shall be flush with the surface of the awning.

Figure 5.3.7 Awning Sign



- 5. **Portable Sign.** In addition to the Temporary Signs that are allowed in §5.3.5.12, Portable signs without wheels are permitted as follows:
 - a. One portable sign per buildable lot is allowed for a time period exceeding 14 days a quarter, provided the property owner registers such sign permit annually with the Building Commissioner. Portable sign registry shall be maintained by the Building Commissioner and portable signs not on the registry shall be subject to fines as provided herein and/or other enforcement measures allowed by law.
 - b. Maximum Display Area of portable signs shall be twelve (12) square feet.
 - c. Minimum font size on portable signs is four (4) inches tall.
 - d. Such signs shall be placed on private property, and must be setback from the street lot line by at least 5 feet and located in such a manner as to not block vision of motor vehicle operators.
 - e. Building Commissioner has the discretion to require portable signs to be moved when there is a safety issue.

6. Off-Premise Sign.

- a. An off-premise sign is one that is located on a parcel of land other than that on which the use to which the sign refers, such as a sign for a business located off a main road.
- b. Off-premise signs are only allowed in non residential zoning districts.
- c. Maximum display area: One hundred (100) square feet.
- d. Approval process: One off-premise sign per principal use may be authorized by the Planning Board with a Special Permit in accordance with § 5.3.11.

5.3.10 Nonconforming Sign

1. Any nonconforming sign lawfully erected in conformity with the then-existing zoning requirements may continue, and may be regularly maintained, repaired and repainted in its original form and colors.
2. The following pre-existing nonconforming signs shall no longer be allowed to continue and must be removed or brought into compliance with this bylaw:
 - a. A sign relating to a use which has been abandoned or not used for a period of two or more years; or
 - b. A sign in dangerous condition which fails to comply with the maintenance requirements of §5.3.4.1 (b) or (c) or which has not been repaired within sixty (60) days following the date of a written notice to that effect to the property owner by the Building Commissioner; or
 - c. A nonconforming sign accessory to any structure where the structure is expanded by more than twenty-five percent (25%) from its gross square footage at the time of the sign bylaw's effective date [February 19, 2014], must be removed or replaced with a conforming sign no later than the date of issuance of an occupancy permit for the expanded structure.

5.3.11. Signs Requiring a Special Permit from the Planning Board

1. **Review Authority.** The Planning Board, acting as the special permit granting authority under this section may approve, approve with conditions, or disapprove applications for signs that exceed the standards of this bylaw.
2. **Sign Special Permit Approval Criteria.**
 - a. A Special Permit under this section may be issued provided the Planning Board finds that, in addition to meeting the criteria of § 9.3, the resulting deviation from the otherwise applicable requirements of this Section meets the following criteria:
 - (1) The sign will be consistent with the intent and purpose of § 5.3;
 - (2) The sign will be consistent with the character and use of the area and with the Zoning District in which it is erected.
 - (3) The sign will not have a negative effect on traffic flow and safety, including parking and loading.
 - (4) The sign will be appropriate in scale and proportion in its design and in its visual relationship to buildings in the area and its general surroundings and in particular

- i. The sign will be attractively designed and located, and will be a compatible architectural element of the building to which it principally relates and will be in harmony with other features in the general area; and
 - ii. The sign will provide continuity with other signs, not including any nonconforming signs, on the same or adjacent buildings or lots with respect to most but not necessarily all of the following elements: dimension, proportion, mounting height, materials, colors, and other important features as determined by the Planning Board.; and
 - iii. The colors, materials and illumination of the proposed sign are restrained and harmonious with the building and the site to which it principally relates; and
 - v. The proposed sign will not unduly compete for attention with any other sign or signs.
3. **Imposition of Conditions.** When granting a Special Permit hereunder, the Planning Board, in order to mitigate negative impacts of a sign, may impose reasonable conditions taking into consideration all aspects of the sign and its impacts on the visual environment in the area, including but not limited to design, construction, color, illumination, landscaping, and coordination with buildings and other signs in the area, it may require the removal of any nonconforming sign or signs on the subject lot, and it may impose such other conditions as it deems appropriate to further the purpose of this section as stated in § 5.3.1.
4. **Sign Special Permit Rules and Regulations.** The Planning Board may promulgate Rules and Regulations governing the granting of Special Permits under this Section, including but not limited to the contents of an application and application fees.

<p>Proposed Revisions to 10.2 Definitions related to Signs – Replace the sign related definitions in Section 10.2 with the following.</p>
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Sign Definitions. The following definitions apply to signs and their appurtenances:

Abandoned Sign. Any sign related to a use, building or structure which is not used for occupied or a period of two (2) years shall be considered abandoned.

Awning Sign. An awning sign is a sign which is located on or is part of an awning. As used in this Bylaw, an awning consists of cloth or opaque material affixed to the exterior of a building by a permanent structure that may be retractable; extending at least three (3) feet from the exterior wall; and providing shade and rain cover for pedestrians and visitors to the building.

Box Sign. A sign that contains all the text and logo symbols within a single enclosed illuminated cabinet.

Bulletin Board Sign. A ground or wall sign of permanent character, but with movable letters, words or numerals, indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises upon which such sign is maintained.

Channel Letter Sign. A type of internally illuminated sign wherein individual letters or images are illuminated. This type of sign is distinct from an internally illuminated “box” sign, where a regular shape (such as a rectangle) is illuminated.

Changing Image Sign. A sign using digital, electronic or other methods to create an image that changes. A digital display of time, temperature, or fuel prices shall not be considered a changing image sign. See § 5.3.6.

Construction Sign. A sign denoting the architect, builder, owner, or other business concern connected with a duly authorized building construction project located on the same lot with such building.

Display Area. The area of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limit of any writing, emblem, representation, or other display used to differentiate the sign from the backdrop or structure against which it is placed. The display area shall not include supporting bracing or framework which is not an integral part of the sign design.

- a. Where there is more than a single sign face, the display area shall be defined as the one face of the sign. If multiple sign faces are not identical, the larger sign face shall be used to calculate display area. Three dimensional or irregular signs shall be measured as described in sub-section f. below and shown in Figure 10.2.4.
- b. Signs on a Base Material. When a sign is on a base material that is a different color than the structure or background to which it is affixed, such as a wood board painting a different color from the wall, the dimensions of the base material are to be used in calculating the display area.
- c. When signs are constructed of individual elements the display area is determined by calculating the area of the smallest imaginary rectangle, circle or triangle drawn around the sign elements. Text elements include spaces between letters. Spaces between capital and lower case letters are included with the capital letter(s). See Figure 10.2.1.

Figure 10.2.1 **Calculation of Display Area – for a sign constructed of individual elements**

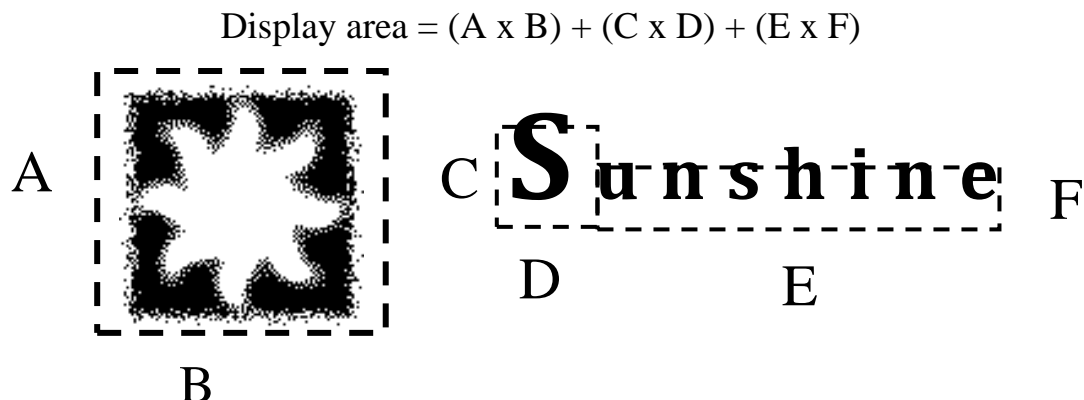
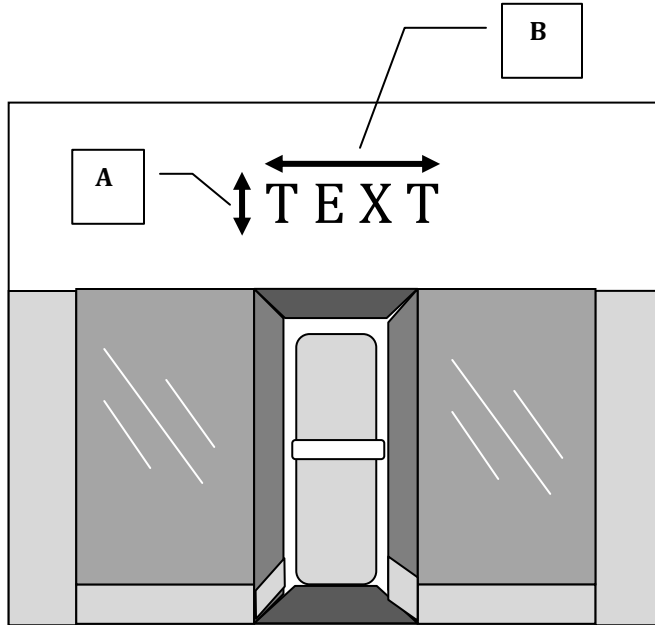


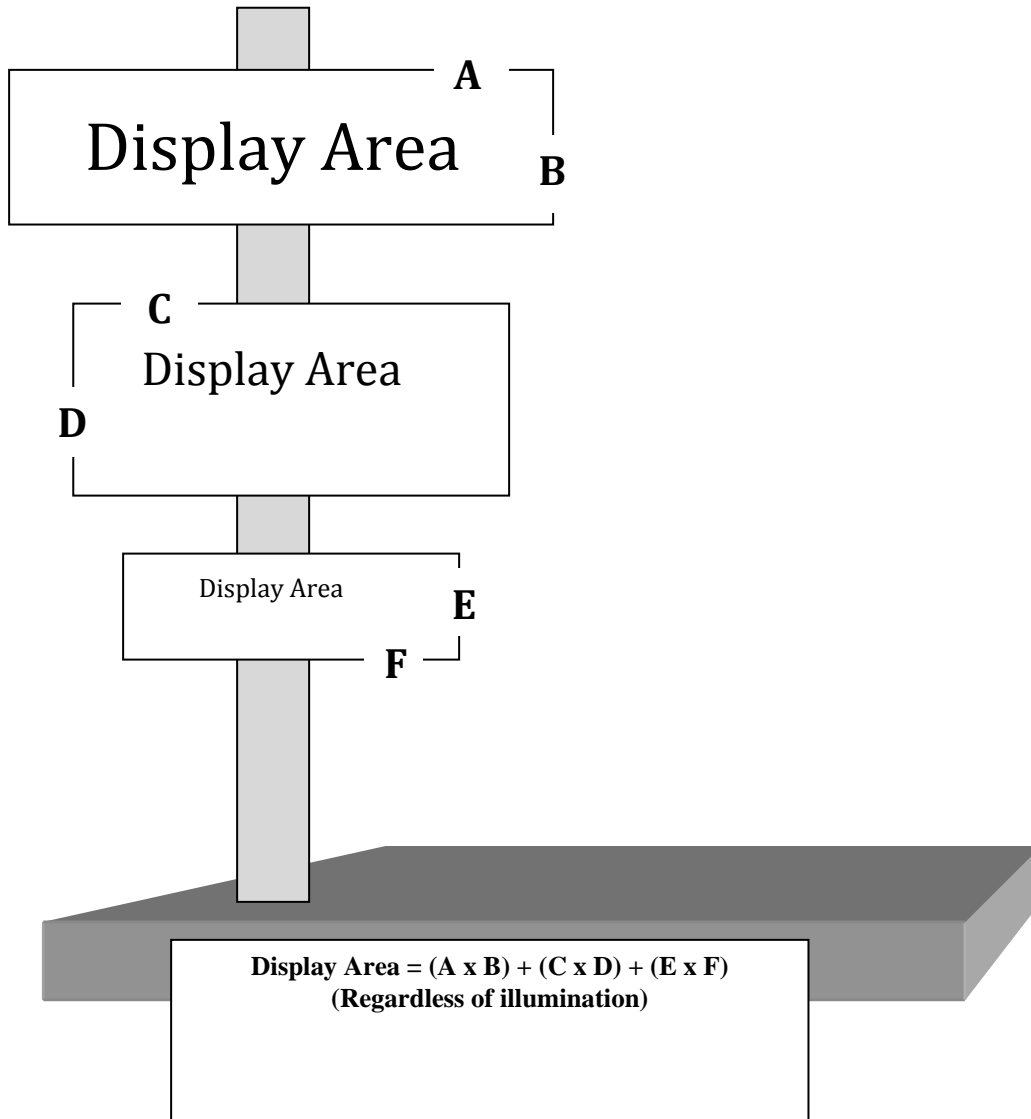
Figure 10.2.1a Display Area of Certain Wall Signs

Not illuminated or Channel letter sign
Display Area = A x B



- d. In the case of a pole sign, the entire structure shall be considered an integral part of the background except for the pole supports, as illustrated in Figure 10.2.2.

Figure 10.2.2 Calculation of Display Area – Pole Signs

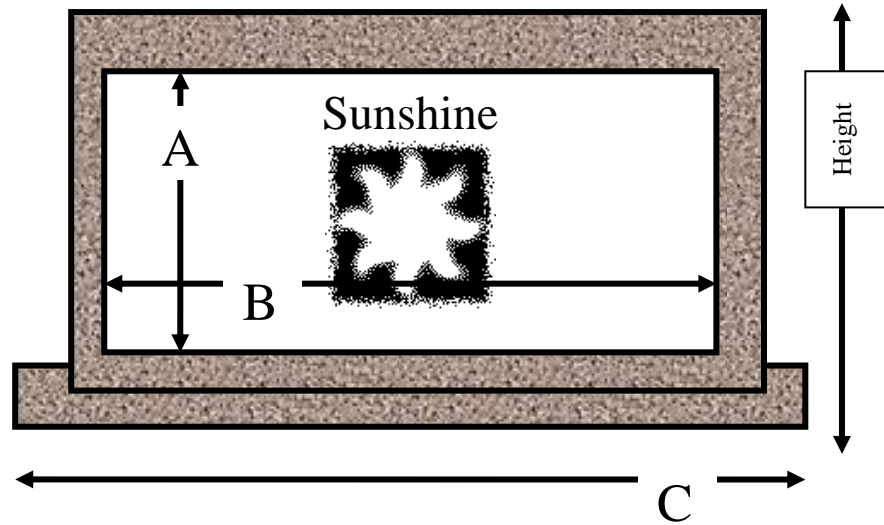


- e. Monument Sign Display Area. The lowest portion of any letter, symbol or illustration shall be counted in measuring the sign height as shown in Figure 10.2.3; however the maximum width of the sign is limited to 120% of the Display Area.

Figure 10.2.3 Measurement of Display Area of Monument Sign

$(A \times B) = \text{Display Area}$

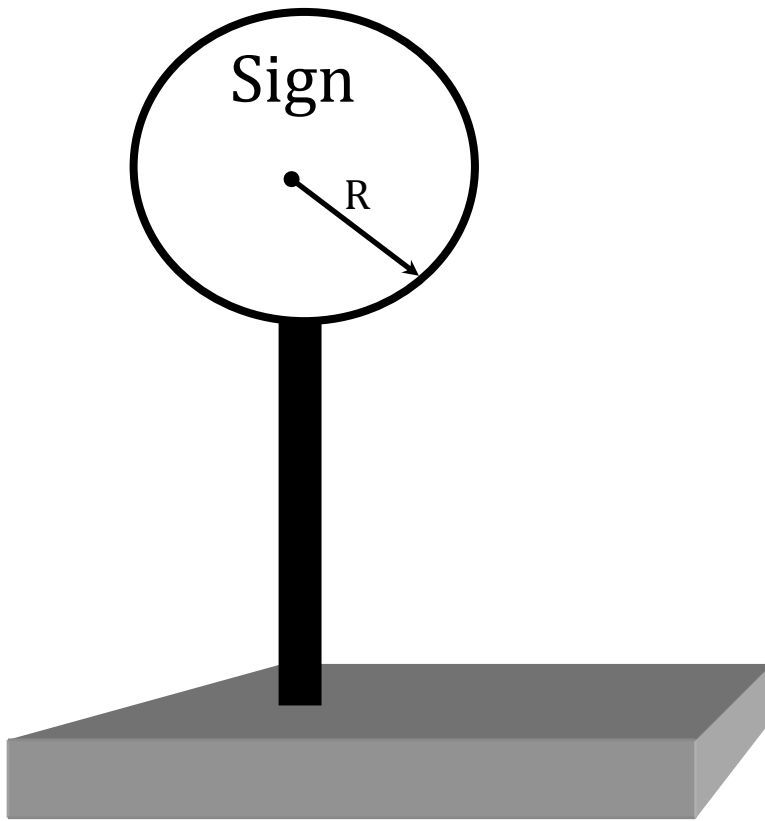
$C = \text{Width limited to a maximum of 120\% of } B$



- f. Irregularly Shaped Signs. The maximum surface area visible at one time of a spherical, three dimensional, irregular shaped or three or more sided Sign is counted to determine display area. Figure 10.2.4 illustrates how a spherical or round sign display area would be calculated.

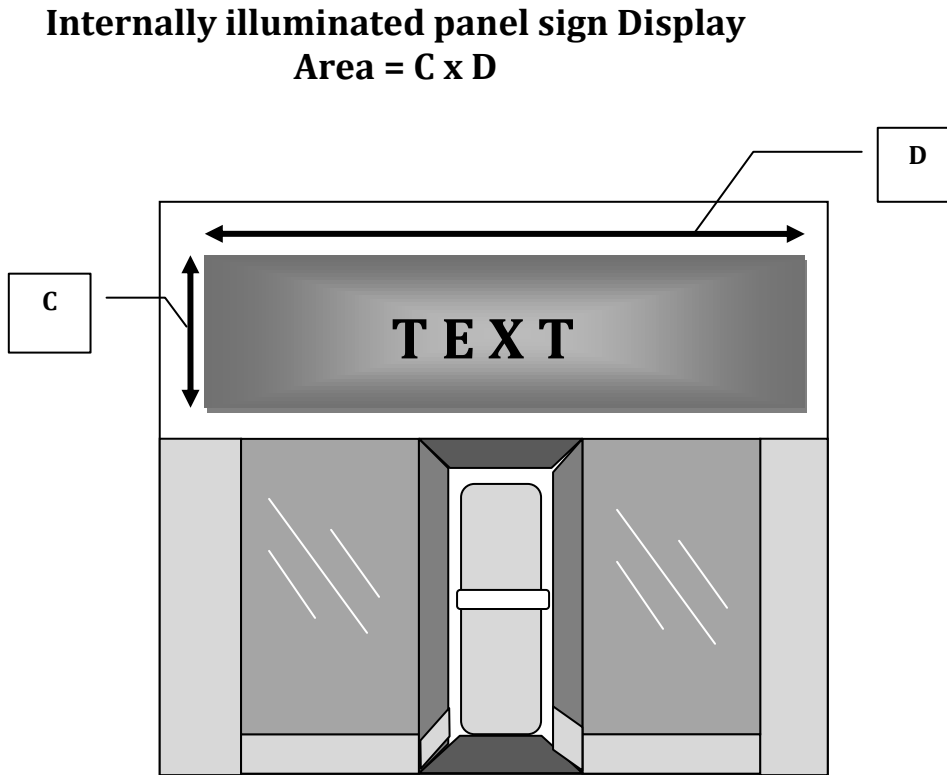
Figure 10.2.4 Display Area Measurement of circular signs

$$\text{Display Area} = (3.14) \times R^2$$



- g. If the sign is internally illuminated or has a border, the display area includes the sign elements, the internally illuminated area, and/or the bordered area, as illustrated in Figure 10.2.5.

Figure 10.2.5 Display Area of Certain Internally Illuminated Wall Sign



Entry Ground Sign. A type of ground sign at major public access points to a Shopping Center or an Office Park.

Erecting. Any installing, constructing, reconstructing, replacing, relocating or extending of a sign, but erecting shall **NOT INCLUDE** repairing, maintaining, re-lettering, swapping like size and illumination for like size and illumination, or repainting of an existing sign.

Ground Sign. A non-portable sign not affixed to any building but constructed in a permanently fixed location on the ground with its own support structure. Ground signs include pole signs and monument signs. Ground signs can include descriptions of services for drive through establishments.

Small Ground Sign. A ground sign meeting the criteria in §5.3.5.6.

Front Wall. – The wall in which the front or primary entrance to the building or principal use is located. For sign regulations, the front wall is used to calculate the maximum wall sign size.

Illuminated Sign – Internally lit. A sign that is lit by light sources from within the sign, but not including changing image signs. Includes Neon and LED signs.

Illuminated Sign – Externally lit. A sign that is lit from an external source

Light –emitting diode (LED) Sign. A sign using LED as a direct source of light, such as an “OPEN” sign.

Message Board. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. See also Bulletin Board sign.

Monument Sign. A form of a Ground Sign which is attached to and in contact with the ground for over 50% of the width of its display area. See definition of Display Area and Figure 10.2.3.

Neon Sign. A sign which features exposed glass tubing filled with fluorescent gas.

Off-Premise Sign. A sign which advertises a business, service, product, commodity, entertainment or similar object or activity (sometimes known as commercial speech), which is conducted, sold, or offered on a lot other than the lot on which the sign is erected. These are also known as off-site signs or non-accessory signs.

Office Park. A development with three (3) or more tenants and more than that contains a number of separate office buildings of more than 100,000 square feet of gross floor area. An office park may include accessory and supporting uses and open space.

Pole Sign. A form of ground sign that is supported by one (1) or more columnar uprights. The term pole sign is used in this bylaw, but this sign type may be known as “pylon sign” or “freestanding sign”.

Portable Sign. Any sign that is mounted on wheels or is not permanently attached to the ground, nor to a building or permanent structure, which is designed to be portable such as a trailer, motorized vehicle, an A-frame (sandwich sign), H-frame or T-frame sign placed on the surface of the ground or temporarily staked into the ground.

Principal Use. The primary purpose for which a structure or lot is designed, arranged or intended or for which it may be used, occupied, or maintained under this zoning bylaw.

Professional Sign. A sign indicating the name and occupation of a professional person or group of associated professional persons.

Projecting Sign: Any sign, other than a wall sign, suspended from or supported by a building and projecting out therefrom.

Roof Sign. A sign which is painted, mounted or in any way projected above the parapet or above the lowest point of the eaves of a building or structure, not including any sign defined as

a wall sign and not including any wall sign mounted on a vertical building located above the eaves or parapet of any lower portion or wing of a building.

Sandwich Sign (also known as an A Frame). A type of portable sign that consists of two boards hinged in the middle that is not permanently affixed to a building or structure.

Shopping Center. A commercial development with three (3) or more tenants and more than 60,000 square feet of gross floor area. A shopping center can have more than one building or can be a single building.

Sign. Any symbol, design or device used to identify or advertise any place, business, product, activity, service, person, idea or statement that is visible to the public.

Temporary Sign. A sign which is not permanently affixed to a building or mounted in the ground and are displayed for less than 14 days in accordance with §5.3.5.12. See also Portable Signs.

Tenant. An occupant or land or premises who occupies, uses, and enjoys real property for a fixed time, usually through a lease or rental arrangement with the property owner.

Wall Sign: Any sign permanently attached to or erected against the wall of a building or structure, or a sign that is an integral part of the building or structure, with the display area of the sign in a plane parallel to the plane of said wall, building or structure and which does not project more than one (1) foot from the face of the structure.

Window Sign. A sign, picture, symbol or message visible from the window's exterior side, not including any part of a customary window display of merchandise or other product. A Sign hung on the outside of a window is a Wall Sign.

Selectmen to make recommendation at Town Meeting and Planning Board recommends (4-1)

STREET ACCEPTANCES

ARTICLE 18:	Accept Boxwood Road and Strawberry Lane as Public Ways	<i>Majority Vote Required</i>
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Sponsor: Board of Selectmen

Motion: That the Town accept the layout as public ways of the roads known as Boxwood Road and Strawberry Lane, as heretofore laid out by the Board of Selectmen, and as shown on plans entitled "Street Acceptance Plan Boxwood Road Westford, MA," dated August 19, 2013, prepared by LandTech Consultants and "Street Acceptance Plan Strawberry Lane Westford, MA," dated August 19, 2013, prepared by LandTech Consultants, said plans on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, the fee to or lesser interests in said roads and all related easements.

*Selectmen recommend (4-0), Finance Committee recommends (8-0),
and Planning Board recommends (5-0)*

ARTICLE 19:	Accept Sleigh Road as a Public Way	<i>Majority Vote Required</i>
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Sponsor: Board of Selectmen

Motion: That the Town accept the layout as a public way of a portion of the road known as Sleigh Road, as heretofore laid out by the Board of Selectmen, and as shown on a plan entitled "Street Acceptance Plan, Sleigh Road," dated September 13, 2013, prepared by LandTech Consultants, said plan on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, the fee to or lesser interests in said road and all related easements.

*Selectmen recommend (4-0), Finance Committee recommends (8-0),
and Planning Board recommends (5-0)*

CARE AND CUSTODY OF TOWN LAND

ARTICLE 20:	Authorize Selectmen to Accept Easement on Broadway Street	<i>Majority Vote Required</i>
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Sponsor: Board of Selectmen

Motion: That the Town authorize the Board of Selectmen to acquire by gift an easement for all purposes for which public ways are used in the Town, said easement located at the corner of First Street and Broadway Street, as shown on a plan entitled "Use Easement Broadway/First Street," dated July 23, 2013, said plan on file with the Town Clerk, on such terms and conditions as the Selectmen deem appropriate.

Selectmen recommend (5-0)

ARTICLE 21:	Authorize Acquisition of Parcel(s) Being Taken Out of Chapter 61 and 61a	<i>2/3 Majority Vote Required</i>
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Sponsor: Board of Selectmen

Motion: That the Town dismiss Article 21.

Selectmen recommend dismissal (5-0) and Finance Committee recommends dismissal (8-0)

ARTICLE 22:	Transfer Care and Custody of the so-called Edwards Parcel 045-0099-0000 being 40 acres more or less from the Board of Selectmen to the Conservation Commission	<i>Majority Vote</i>
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Sponsor: Citizen Petition

Motion: That the Town transfer care and custody of the so-called Edwards Parcel 045-0099-0000 being 40 acres more or less from the Board of Selectmen to the Conservation Commission, said parcel to be forthwith kept as conservation land and subject to the rules and regulations of the Conservation Commission for public use ,but not to be used by wheeled or motorized vehicles ,and further, that the town not go forward with any plans for housing on said parcel.

Selectmen do not recommend (5-0) and Finance Committee does not recommend (8-0)